URBAN
MUNICIPAL

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B91
1998

BY-LAWS OF THE
CORPORATION OF THE CITY
OF HAMILTON

98 - 220 ...

CAY ON HBL A08
B91

The Corporation of the City of Hamilton

BY-LAW NO. 98- 220

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-laws No. 90-283 and 93-037

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 1334, 1340, 1342 AND 1348 UPPER SHERMAN AVENUE

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 90-283 on the 9th day of October 1990 to change the zoning and to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "RT-20" District, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 93-037 on the 23rd day of February 1993 to change the zoning in respect of the lands located at Municipal Nos. 1340, 1342 and 1348 Upper Sherman Avenue, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Ontario Municipal Board by its Order (Case No. PL910623), dated the 15th day of April 1992, directed that By-law No. 90-283 be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

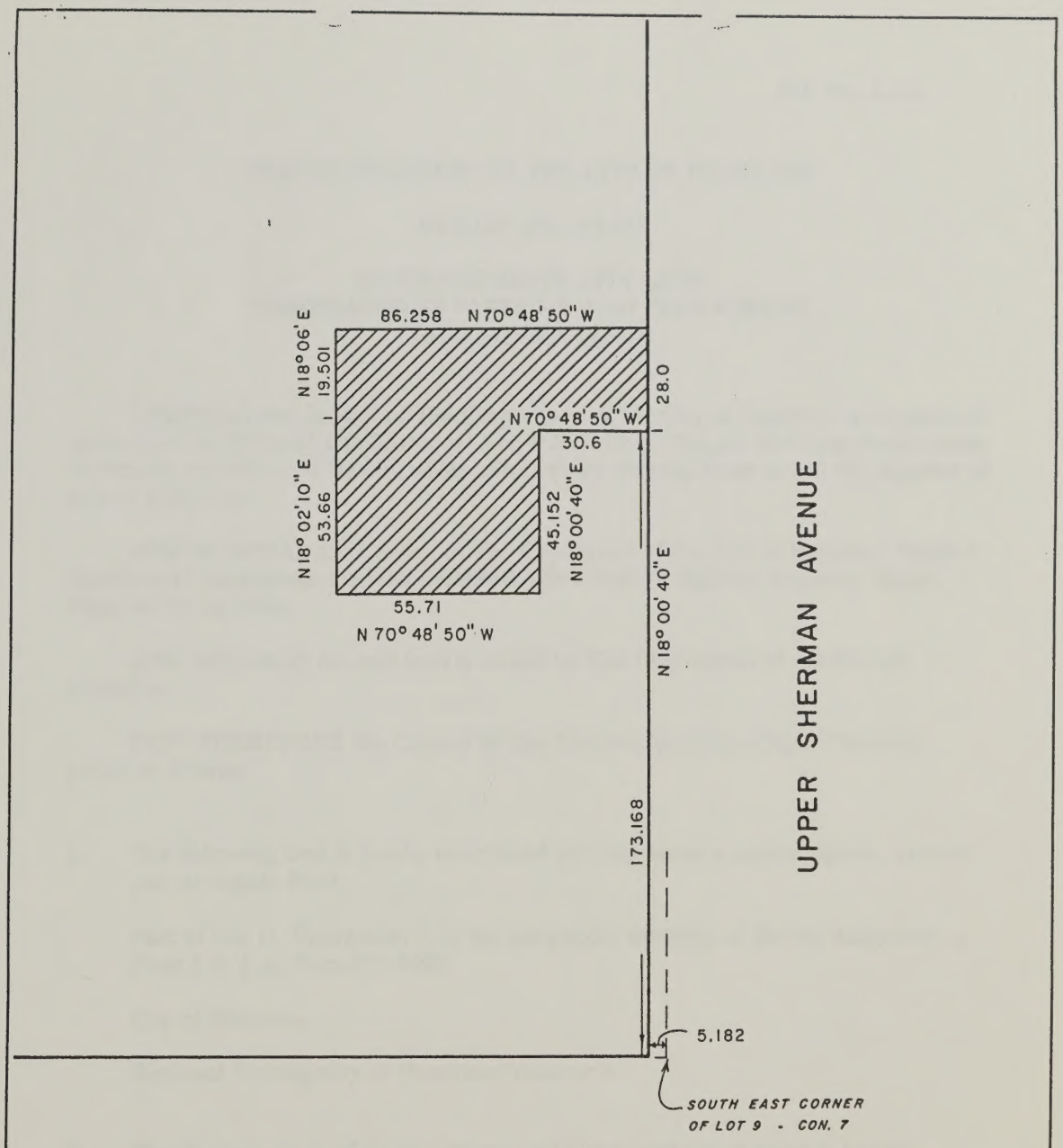
1. Schedule "A" to By-law No. 90-283 is hereby revoked and Schedule "A" annexed hereto and forming part of this by-law is substituted therefor.

2. In all other respects, By-law No. 90-283 is hereby confirmed, unchanged.

3. By-law No. 6593 is amended by adding this by-law to Section 19B as S-1188a.

4. Sheet No. E-27C of the District Maps is amended by marking the land referred to in Section 1 of By-law No. 90-283, S-1188a.

NOTE; **BY-LAW NO. 90-283, ENACTED BY CITY COUNCIL ON THE 9TH DAY OF OCTOBER 1990, WAS SUBSEQUENTLY AMENDED BY ONTARIO MUNICIPAL BOARD ORDER DATED THE 15TH DAY OF APRIL 1992, (O.M.B. FILE NO. PL910623)**



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-.....
Passed the ..... day of ..... ,1998.

..... Clerk

..... Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 90 - 283

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:

"AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District, modified.

North	Scale	Reference File No.
	NOT TO SCALE	ZA 92 - 47
	Date	Drawn By
	JANUARY 1993	Z.K.

Bill No. A-60

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-221

TO INCORPORATE CITY LAND
DESIGNATED AS PARTS 5 & 6 ON PLAN 62R-8492
INTO AQUILA PLACE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Coporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Aquila Place within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Aquila Place.

   Part of Lot 11, Concession 7, in the geographic township of Barton designated as Parts 5 & 6 on Plan 62R-8492.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 8th day of September A.D. 1998

City Clerk

Mayor

Bill No. A-61

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-222

TO INCORPORATE CITY LAND
DESIGNATED AS PARTS 6 & 7 ON PLAN 62R-14620
INTO BASTILLE STREET

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Coporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Bastille Street within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Bastille Street.

   Part of Lot 11, Concession 8, in the geographic township of Barton and Part of Block 74, Plan 62M-633, designated as Parts 6 & 7 on Plan 62R-14620 respectively.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 8th day of September A.D. 1998

City Clerk

Mayor

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Bill No. A-62

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 223

BEING A BY-LAW TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 10 (Stops at Intersections)** of the said By-law is hereby amended by adding thereto the following item, namely:-

   "Frederick Southbound Campbell"

2. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

3. This By-law shall come into force and take effect upon the date of its passing and enactment.

PASSED this 8th day of September 1998.

CITY CLERK

MAYOR

Bill No. A-63

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-224

BEING A BY-LAW TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 10 (Stops at Intersections)** of the said By-law is hereby amended by adding thereto the following items, namely:-

"Supreme	Westbound	Acadia
Abbot (east to west leg)	Westbound	Abbot/Abbot Crt. (north to south leg)
Polaris	Northbound	Vineburg"

2. That **Schedule 29 (No Stopping Areas - No Stopping Anytime)** of the said By-law is hereby amended by adding thereto the following item, namely:-

"Regal	North	Rowntree to 59 feet east	Anytime"

3. That **Schedule 35 (Wheelchair Loading Zones)** of the said By-law is hereby amended by adding thereto the following items, namely:-

"Wood	South	34 feet	125 feet east of Hughson	9:00 a.m. - 9:00 p.m.
Primrose	South	18 feet	17 feet west of the extended east curb line of Avondale	Anytime
William	East	12 feet	422 feet north of Barton	Anytime"

and by deleting therefrom the following item, namely:-

"Gibson	East	25 feet	32 feet north of Wilson	10:00 a.m to 4:00 p.m." Monday to Friday

4. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

5. This By-law shall come into force and take effect upon the date of its passing and enactment.

PASSED this 8th day of September 1998.

CITY CLERK

MAYOR

Bill No. A-64

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 225

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Section Schedule 24 (Parking Meter Locations)** of the said By-law is hereby amended by adding to **Section 2(a)** thereof the following item, namely:-

   "Queensdale South Upper James to 120 feet east"

   and by deleting from **Section 3(a)** thereof the following item, namely:-

   "Queensdale South Upper James to 120 ft. east"

2. That **Schedule 25 (Parking Time Limits)** of the said By-law is hereby amended by adding thereto the following items, namely:-

"Cannon (north leg)	North	Hess to Caroline	1 hr	8 am - 8 am(24 hrs)	Mon - Sun
Market	South	Caroline to 173 feet east	2 hr	8 am - 8 am(24 hrs)	Mon - Sun"

   and by deleting therefrom the following items, namely:-

"Cannon	North	Hess to Caroline	1 hr	8 am - 6 pm	Mon - Fri
MacNab	East	Mulberry to Cannon	1 hr	8 am - 8 pm(24 hrs)	Mon - Sun"

3. That **Schedule 26 (No Parking Areas)** of the said By-law is hereby amended by adding thereto the following items, namely:-

"Beach	North	commencing 61 feet east of Avondale and extending 97 feet easterly therefrom	7 am - 4 pm	Mon - Sat

Market	South	Bay to 326 feet west		Anytime
Kings Forest	West	Nova to 88 feet north		Anytime
Rosemont	South	commencing 115 feet west of Barnesdale and extending 16 feet westerly therefrom	7 am - 6 pm	Mon - Fri"

and by deleting therefrom the following items, namely:-

"Market	South	Caroline to Bay		Anytime
Kings Forest	West	Nova to 68 feet north		Anytime
Myrtle	East	from 167 ft. south of Main to 20 ft. southerly	8 am - 4 pm	Mon - Fri"

4. That **Schedule 34 (Sticker Permit Parking)** of the said By-law is hereby amended by adding thereto the following items, namely:-

"Gibson	West	commencing 257 feet north of Cannon and extending 18 feet northerly therefrom	Anytime
Gibson	East	commencing 279 feet north of Cannon and extending 17 feet northerly therefrom	Anytime
Burlington	South	commencing 121 feet east of Mary and extending 24 feet easterly therefrom	Anytime
Cathcart	East	commencing 220 feet south of Cannon and extending 21 feet southerly therefrom	Anytime
Clinton	North	commencing 60 feet west of the extended west curb line of Ruth and extending 19 feet westerly therefrom	Anytime
Douglas	West	commencing 101 feet south of Mars and extending 18 feet southerly therefrom	Anytime
Hughson	East	commencing 113 feet north of Robert and extending 18 feet northerly therefrom	Anytime
Julian	East	commencing 102 feet north of Roxborough and extending 23 feet northerly therefrom	Anytime
Biggar	North	commencing 449 feet west of Lottridge and extending 40 feet westerly therefrom	Anytime
Munroe	North	commencing 29 feet west of Hillyard and extending 18 feet westerly therefrom	Anytime
Keith	North	commencing 116 feet east of Emerald and extending 18 feet easterly therefrom	Anytime
MacNab	East	Cannon to Mulberry	Anytime"

and by deleting therefrom the following item, namely:-

"Ontario	West	commencing 150 feet south of Stinson and extending 24 feet southerly therefrom	Anytime"

5. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

6. This By-law shall come into force and take effect upon the date of its passing and enactment.

PASSED this 8th day of September 1998.

CITY CLERK

MAYOR

Bill No. C-105

The Corporation of the City of Hamilton

BY-LAW NO. 98—226

To Remove
Land within the "Wisemount Estates, Phase 9" Subdivision, Plan 62M-836
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control. --** Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law. --** A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval. --** An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law. --** A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period. --** The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal. --** The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purposes of establishing easements allowing rear yard access to each townhouse unit from the exterior of each dwelling unit shall not apply to the following lands:

   Lots 1 to 47, inclusive, within Registered Plan Number 62M-836, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.

   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

   (c) This By-law shall expire on September 15, 1999.

PASSED this 8th day of September A.D. 1998.

City Clerk

Mayor

822827 Ontario Inc. (A. Di Silvestro), owner
PLC-98-07

Bill No. C-106

The Corporation of the City of Hamilton

BY-LAW NO. 98- 227

To Amend:

Zoning By-law No. 6593

As Amended by Zoning By-law No. 86-203

Respecting:

LANDS LOCATED EAST OF GREENHILL AVENUE, WEST OF WEBSTER ROAD AND NORTH OF THE EXISTING RAILWAY LINE IN THE NASH ORCHARDS HEIGHTS SOUTH SUBDIVISION

WHEREAS it is intended to establish a special requirement under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 86-203 on the 25th day of June 1986 to change the zoning in respect of lands located in the area east of the proposed extension of Greenhill Avenue and south of King Street East, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "C" (Urban Protected Residential, etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirement that,

(a) notwithstanding Section 2.(6) and Section 9.(3)(ii) of Zoning By-law No. 6593, only a portion of one required side yard having a width of not less than 0.60 metres that abuts the wall of an attached garage shall be permitted, except that:

(i) in the case of a corner lot, a side yard having a flankage width of not less than 1.2 metres shall be provided and maintained; and,

(ii) where a side yard abuts any other residential district, a side yard of 1.2 metres shall be provided and maintained.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions, subject to the special requirement referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1410.

4. Sheet No. E-107 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1410.

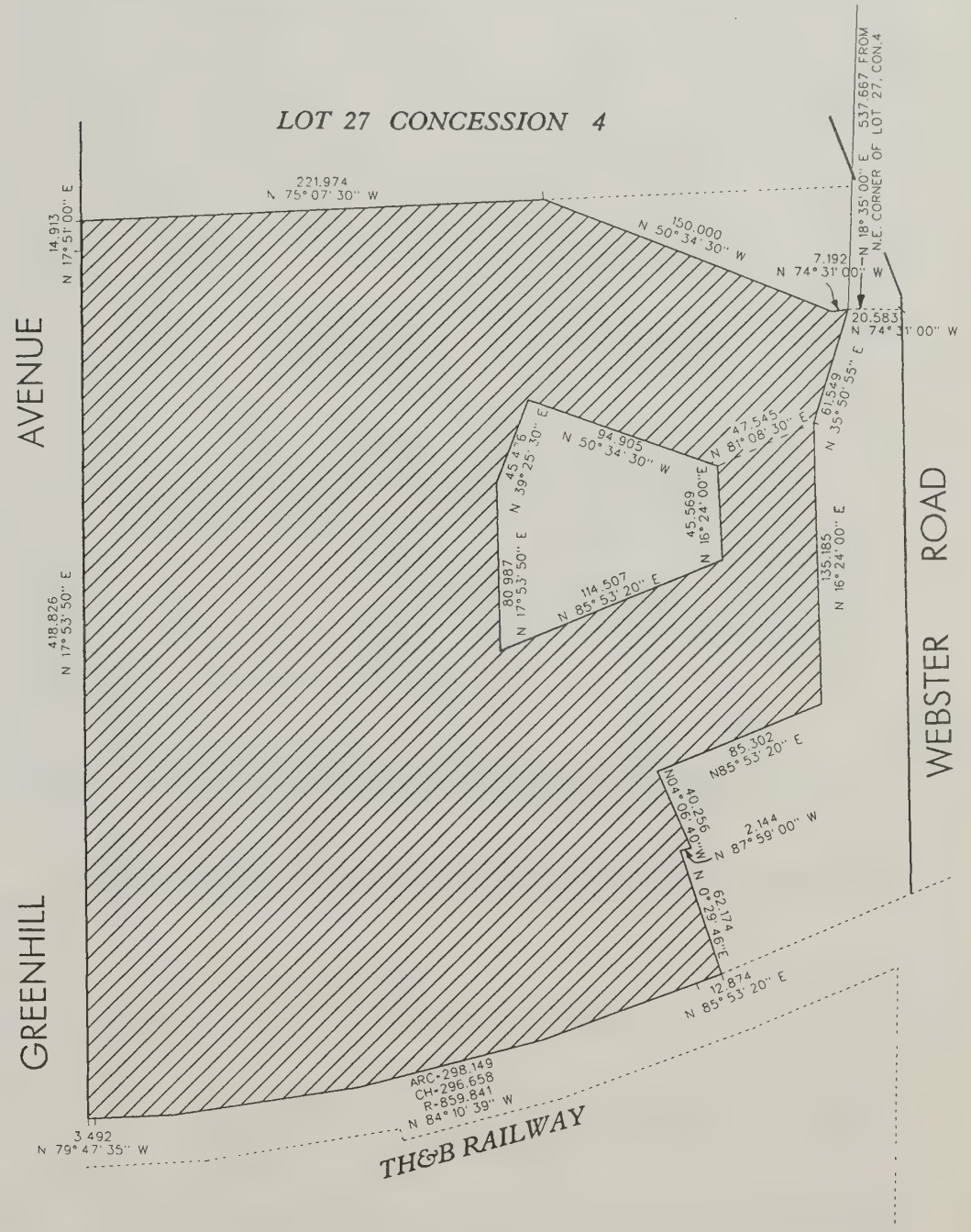
5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 8th day of September A.D. 1998

CITY CLERK

MAYOR

(1998) 14 R.P.D.C. 2, August 5
1263674 Ontario Inc. and
1280788 Ontario Inc. (M. Sharma), Owner
Amended ZAR-98-21



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-..227
Passed the ..8th.. day of ..September.., 1998.

Clerk

Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 98-..227..
to Amend By-Law No.6593

Planning and Development Department

Legend

Modification to the established "C" (Urban Protected Residential, etc.) District.

North	Scale	Reference File No.
	Not to Scale	ZA-98-21
	Date	Drawn By
	Aug 1998	R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 98- 228

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT THE REAR OF MUNICIPAL NOS. 1289-1317 UPPER JAMES STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-9C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District, the lands comprised in Blocks "1" and "4"; and,

(b) by changing from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District, modified, the lands comprised in Blocks "2" and "3",

the extent and boundaries of each of which Blocks "1", "2", "3" and "4" are shown on a plan hereto annexed as Schedule "A".

2. The "R-4" (Small Lot Single Family Dwelling) District provisions, as contained in Section 9A of Zoning By-law No. 6593, applicable to the lands comprised in Block "2" referred to in section 1.(b), are amended to the extent only of the special requirements that,

(a) notwithstanding Section 9A.(2)(b)1.(iv) of Zoning By-law No. 6593, a rear yard having a depth of not less than 6.0 metres shall be provided and maintained; and,

(b) notwithstanding Section 9A.(2)(c) of Zoning By-law No. 6593, a minimum lot width of 10.5 metres and a minimum lot area of 306 square metres shall be provided and maintained.

3. The "R-4" (Small Lot Single Family Dwelling) District provisions, as contained in Section 9A of Zoning By-law No. 6593, applicable to the lands comprised in Block "3" referred to in section 1.(b), are amended to the extent only of the special requirements that,

(a) notwithstanding Section 9A.(2)(b)1.(iv) of Zoning By-law No. 6593, a rear yard having a depth of not less than 6.0 metres shall be provided and maintained; and,

(b) notwithstanding Section 9A.(2)(c) of Zoning By-law No. 6593, a minimum lot width of 11.0 metres and a minimum lot area of 313 square metres shall be provided and maintained.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "R-4" District provisions, subject to the special requirements referred to in sections 2 and 3.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1411.

6. Sheet No. E-9C of the District Maps is amended by marking the lands referred to in section 1.(b) of this by-law, S-1411.

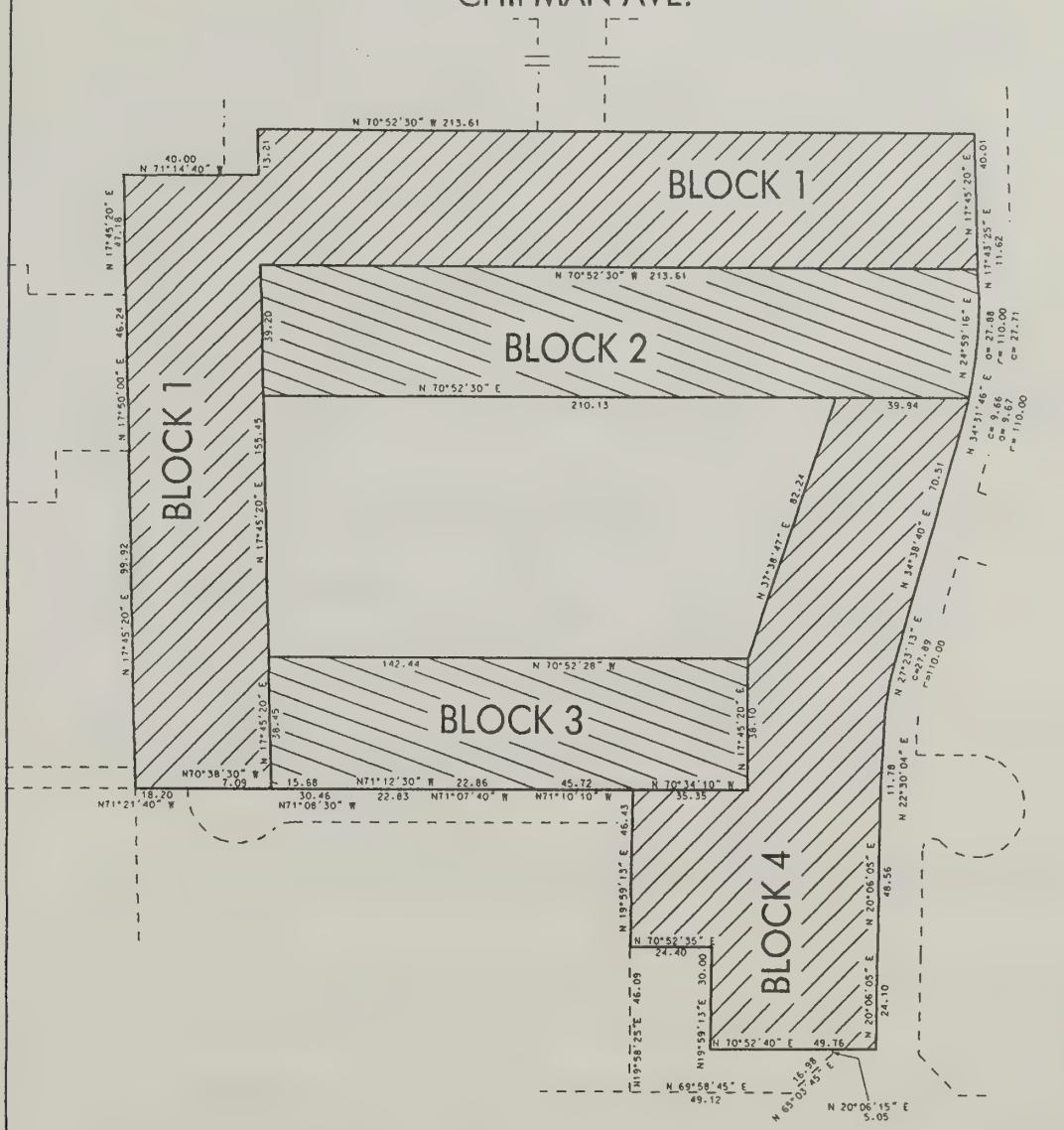
7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 8th day of September A.D. 1998

CITY CLERK

MAYOR

(1998) 14 R.P.D.C. 3, August 5
Hampshire Properties Limited, Owner
Amended ZAC-98-20



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-228
Passed the 8th day of September, 1998.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of By-Law No. 98-228

to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from

BLOCK 1 and 4 — "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District.

BLOCK 2 and 3 — "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District, modified.

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-20
	Date	Drawn By
	September, 1998	J.Sims

Bill No. **D-45**

The Corporation of the City of Hamilton

By-law No. 98-229

To Declare:

45 ELLIS AVENUE TAX EXEMPT

WHEREAS the Hamilton East Kiwanis Boys' and Girls' Club operates, for The Corporation of the City of Hamilton, a municipal capital facility used as a Municipal Community Centre;

AND WHEREAS the Municipal Community Centre is located at 45 Ellis Avenue, Hamilton;

AND WHEREAS 45 Ellis Avenue is owned by The Corporation of the City of Hamilton;

AND WHEREAS Section 210.1 of the Municipal Act, authorizes a Council to enter into agreements for the operation of municipal capital facilities by any person and to exempt from taxation for municipal and school purposes the land, or a portion of it, on which municipal capital facilities are, or will be, located;

AND WHEREAS Ontario Regulation 46/94 as amended by Ontario Regulation 537/96 authorizes municipal capital facility agreements and tax exemptions for municipal capital facilities used as Municipal Community Centres;

AND WHEREAS By-law No. 98-076 was enacted on February 24, 1998 to authorize an Agreement to provide a municipal capital facility between the City and the Hamilton East Kiwanis Boys' and Girls' Club located at 45 Ellis Avenue, Hamilton;

AND WHEREAS the City and the Hamilton East Kiwanis Boys' and Girls' Club have entered into an Agreement to provide for the operation of a Municipal Capital Facility used as a Municipal Community Centre;

AND WHEREAS Council, on June 30, 1996,in adopting Section 17 of the 17th Report of the Finance and Administration Committee authorized this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The Hamilton East Kiwanis Boys' and Girls' Club is granted a tax exemption for the Municipal Community Centre located at 45 Ellis Avenue, Hamilton, Ontario.

2. The tax exemption given in Section 2 shall not include taxes or rate levied under Sections 218 or 222 of the Municipal Act.

3. The Clerk shall give written Notice of this By-law to

   (a) The Minister of Education,

   (b) The Assessment Commissioner,

   (c) The Clerk of The Regional Municipality of Hamilton-Wentworth, and

   (d) The Secretaries of the Hamilton Catholic District School Board and The Hamilton-Wentworth District School Board.

4. This By-law takes effect on its date of enactment.

PASSED this 8th day of September 1998.

CITY CLERK

MAYOR

Bill No. D-46

The Corporation of the City of Hamilton

BY-LAW NO. 98- 230

To Authorize:

A BY-LAW TO FURTHER REDUCE APPROVED DEBENTURE AMOUNTS

WHEREAS Council, on July 7, 1998, in adopting Section 37 of the Report of the Committee of the Whole, authorized the use of internal financing for the projects listed on Schedule "A" to this By-law;

AND WHEREAS the previously approved debenture authorization for the projects listed on Schedule "A" is required to be revised as a result of using the internal financing;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. The approved capital debenture financing amount for the Projects listed in Column 1 of Schedule "A" of this By-law is reduced to the figure shown in column 2 of Schedule "A".

2. The proper Officials of The Corporation of the City of Hamilton are hereby directed to do all such things necessary to give effect to this By-law.

PASSED this 8th day of September 1998.

CITY CLERK

MAYOR

SCHEDULE "A"

PROJECTS	DEBENTURE FUNDING
CULTURE & RECREATION DEPARTMENT:	
1. IVOR WYNNE STADIUM IMPROVEMENTS (Infrastructure)	$ 0 - zero
PUBLIC WORKS AND TRAFFIC:	
2. ROAD & SIDEWALK RECONSTRUCTION PROGRAM	$ 536,385
3. ROAD & SIDEWALK RECONSTRUCTION PROGRAM - PHASE II	$ 0 - zero
4. ROAD & SIDEWALK RECONSTRUCTION PROGRAM	$2,671,000
5. ROADWAY RECONSTRUCTION PROGRAM (Infrastructure)	$ 446,772
6. T. B. MCQUESTON PARK	$1,110,666
7. MOHAWK SPORTS PARK DEVELOPMENT - PHASE I	$ 0 - zero
8. MACASSA PARK REDEVELOPMENT	$ 0 - zero
9. DOWNTOWN PHASE OF FERGUSON AVENUE MASTER PLAN	$ 743,000
HAMILTON PUBLIC LIBRARY:	
10. WESTDALE BRANCH LIBRARY	$ 200,000

Bill No. **D-47**

The Corporation of the City of Hamilton

BY-LAW NO. 98-231

To Amend:

By-law No. 84-191 Respecting

THE KEEPING OF ANIMALS

and

By-law No. 86-343

TO REGULATE AND CONTROL CATS

WHEREAS By-law No. 84-191 on the Keeping of Animals was enacted on August 28, 1984;

AND WHEREAS By-law No. 86-343, to Regulate and Control Cats, was enacted on December 9, 1996;

AND WHEREAS the Municipal Act and the Provincial Offences Act have been amended;

AND WHEREAS it is desirable to Amend the Penalty Sections of the said By-laws;

AND WHEREAS Council, on September 8th, 1998, authorized the Amendment of By-law No. 84-191 respecting The Keeping of Animals and By-law No. 86-343 To Regulate and Control Cats.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 5 of By-law No. 84-191 is repealed and replaced by the following:

   "Any person who contravenes a Section of this By-law is guilty of an offence and is liable upon conviction to the Penalties specified by Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33."

2. Section 16 of By-law No. 86-343 is repealed and is replaced by the following:

   "Any person who contravenes a Section of this By-law is guilty of an offence and is liable upon conviction to the Penalties specified by Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33."

PASSED this 8th day of September 1998.

CITY CLERK

MAYOR

Bill No. D-48

BY-LAW NO. 98 - 232

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 8th DAY OF SEPTEMBER, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 8th day of September 1998

CITY CLERK

MAYOR

Bill No. **D-49**

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 233

To Amend:

By-law No. 94-189

RESPECTING THE LEVYING OF TAXES

WHEREAS the City's tax rates for 1998 were enacted on August 12, 1998;

AND WHEREAS Council, on August 12, 1998, in adopting Section (1) of the (19th) Report of the Committee of the Whole authorized a change to the Monthly Automatic Payment Plan for 1998;

NOW THEREFORE The Council of The Corporation of the City of Hamilton hereby enacts as follows:

By-law No. 94-189 is amended by the addition of the following:

11(A) (1) Despite Section 11 of By-law No. 94-189, for 1998 those taxpayers enrolled in the Monthly Automatic Payment Plan, shall pay 1998 final tax levy and 1999 estimated pre-levy through eight monthly payments starting in October, 1998 and ending in May, 1999.

(2) The eight monthly payments will consist of the net tax account balance as at September 1, 1998, plus the estimated first and second pre-levies for 1999 (being one half of the 1998 tax levy) divided by eight.

(3) Any taxpayer having a credit balance in September, 1998, due to the change in assessment by the current Value Assessment, shall be temporarily removed from the Monthly Automatic Payment Plan until December 1, 1998. As well a refund of the credit in excess of $25.00 shall be processed and returned to the taxpayer.

(4) The Monthly Automatic Payment Plan shall return to the system described in Section 11 on June 1, 1999.

2. Sections 9 and 12 of By-law No. 94-189 are hereby repealed.

PASSED this 8th day of September 1998.

CITY CLERK

MAYOR

Bill No. E-17

BY-LAW NO. 98 -234

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 16th DAY OF SEPTEMBER, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 16th day of September A.D. 1998

CITY CLERK

MAYOR

Bill No. E-18

BY-LAW NO. 98 - 235

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 25th DAY OF SEPTEMBER, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 25th day of September A.D. 1998

J. F. Wolland

ACTING CITY CLERK

Robert Morrow

MAYOR

Bill No. E-19

BY-LAW NO. 98 - 236

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 28th DAY OF SEPTEMBER, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 28th day of September A.D. 1998

CITY CLERK

MAYOR

Bill No. A- 65

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-237

TO INCORPORATE CITY LAND DESIGNATED AS BLOCK 16 ON PLAN 62M-728 INTO CRERAR DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Coporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Crerar Drive within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Crerar Drive.

   All of Block 16, Plan 62M-728.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 29th day of September A.D. 1998

City Clerk

Mayor

Bill No. A-66

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 238

TO INCORPORATE CITY LAND DESIGNATED AS PART 3 ON PLAN 62R-10529 INTO ACADIA DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Coporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Acadia Drive within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Acadia Drive.

   Part of Lot 1, Registered Plan 909 designated as Part 3 on Plan 62R-10529.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 29th day of September A.D. 1998

City Clerk

Mayor

Bill No. A-67

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 239

TO INCORPORATE CITY LAND DESIGNATED AS BLOCK 14 ON PLAN 62M-728 & BLOCK 44 ON PLAN 62M-848 INTO ELK COURT

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Coporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Elk Court within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Elk Court.

   All of Block 14 on Plan 62M-728.
   All of Block 44 on Plan 62M-848.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 29th day of September A.D. 1998

City Clerk

Mayor

Bill No. A-68

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 240

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 26 (No Parking Areas)** of By-law 89-72, as amended, is hereby amended by adding thereto the following items, namely:-

"Limeridge	North	Bonaventure to Hawkridge	Anytime
Limeridge	South	Bonaventure to West 5th	Anytime
Cheever	East	commencing at Burton and extending northerly to the T.H. & B. Railway Tracks	Anytime"

and by deleting therefrom the following items, namely:-

"King William	North	commencing at a point 78 ft. east of James to a point 60 ft. easterly therefrom	Anytime
Limeridge	Both	Bonaventure to Hawkridge	Anytime"

2. That **Schedule 27 (Alternate Side Parking)** of said By-law is hereby amended by adding thereto the following item, namely:-

"Cheever Street Mars Avenue to the T.H.& B. Railway Tracks	West	East"

and by deleting therefrom the following item, namely:-

"Cheever Street Mars Avenue to Southerly End	West	East"

3. That **Schedule 34 (Sticker Permit Parking)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Clinton	South	commencing 137 feet east of Barnesdale and extending 19 feet easterly therefrom	Anytime
Cope	East	commencing 69 feet south of Newlands and extending 16 feet southerly therefrom	Anytime
Gertrude	North	commencing 4 feet west of the extended west curb line of Rowanwood and extending 19 feet westerly therefrom	Anytime
Belview	West	commencing 26 feet south of Cannon and extending 18 feet southerly therefrom	Anytime"

and by deleting therefrom the following item, namely:-

"John	East	commencing 25 feet north of Strachan and extending 33 feet northerly therefrom	Anytime"

4. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed unchanged.

5. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 29th day of September A.D. 1998.

CITY CLERK

MAYOR

Bill No. A-69

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 241

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 10 (Stops at Intersections)** of By-law 89-72, as amended, is hereby amended by adding thereto the following items, namely:-

"Artistic	Northbound	Paris
Artistic	Southbound	Embassy"

2. That **Schedule 29 (No Stoping Areas)** of said By-law is hereby amended by adding thereto the following item, namely:-

"McIntosh	East	commencing at Stone Church and extending 94 feet southerly therefrom	Anytime"

3. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

4. This By-law shall come into force and take effect on the day of its passing and enactment.

PASSED this 29th day of September A.D. 1998.

CITY CLERK

MAYOR

Bill No. C- 108

The Corporation of the City of Hamilton

BY-LAW NO. 98- 242

To Amend:

Zoning By-law No. 6593
and to Repeal Zoning By-law No. 70-42

Respecting:

LAND LOCATED AT MUNICIPAL NO. 649 UPPER JAMES STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 70-42 on the 10th day of February 1970 to change the zoning and establish a special requirement under Section 19B of Zoning By-law No. 6593, for the "H" District, in respect of the land located on the north side of Fennell Avenue in the area east of Upper James Street, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law was approved by the Ontario Municipal Board by Order dated the 14th day of April 1970, (File No. R 2090-70);

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 1 of the 14th Report of the Planning and Development Committee at its meeting held on the 5th day of August 1998, recommended that Zoning By-law No. 6593 be amended to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593 in respect of the above-captioned land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this by-law, and that By-law No. 70-42 be repealed in its entirety;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 70-42 is hereby repealed in its entirety.

2. Sheet No. E-7 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "**E**" (Multiple Dwellings, Lodges, Clubs, etc.) District to "**H**" - '**H**' (Community Shopping and Commercial, etc. - Holding) District, modified, the lands comprised in Block "1"; and,

(b) by changing from "**H**" (Community Shopping and Commercial, etc.) District to "**H**" - '**H**' (Community Shopping and Commercial, etc. - Holding) District, modified, the lands comprised in Block "2",

the extent and boundaries of each of which Blocks "1" and "2" are shown on a plan hereto annexed as Schedule "A".

3. (a) The 'H' symbol applicable to the land referred to in section 1 shall be removed conditional upon the owner submitting a Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC from the MOE;

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1 may at such time proceed in accordance with the "H" District provisions, subject to the special requirements contained in section 3 of this by-law.

4. The "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to the land referred to in section 1, are amended to the extent only of the special requirements that,

(a) notwithstanding Section 14.(1) of Zoning By-law No. 6593, a restaurant will not be permitted;

(b) a minimum 1.5 metre wide planting strip shall be provided and maintained along the southerly lot line except for an access driveway;

(c) a minimum 3.0 metre wide planting strip shall be provided and maintained along the westerly lot line except for an access driveway.

5. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" District, subject to the special requirements referred to in section 4.

6. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1409.

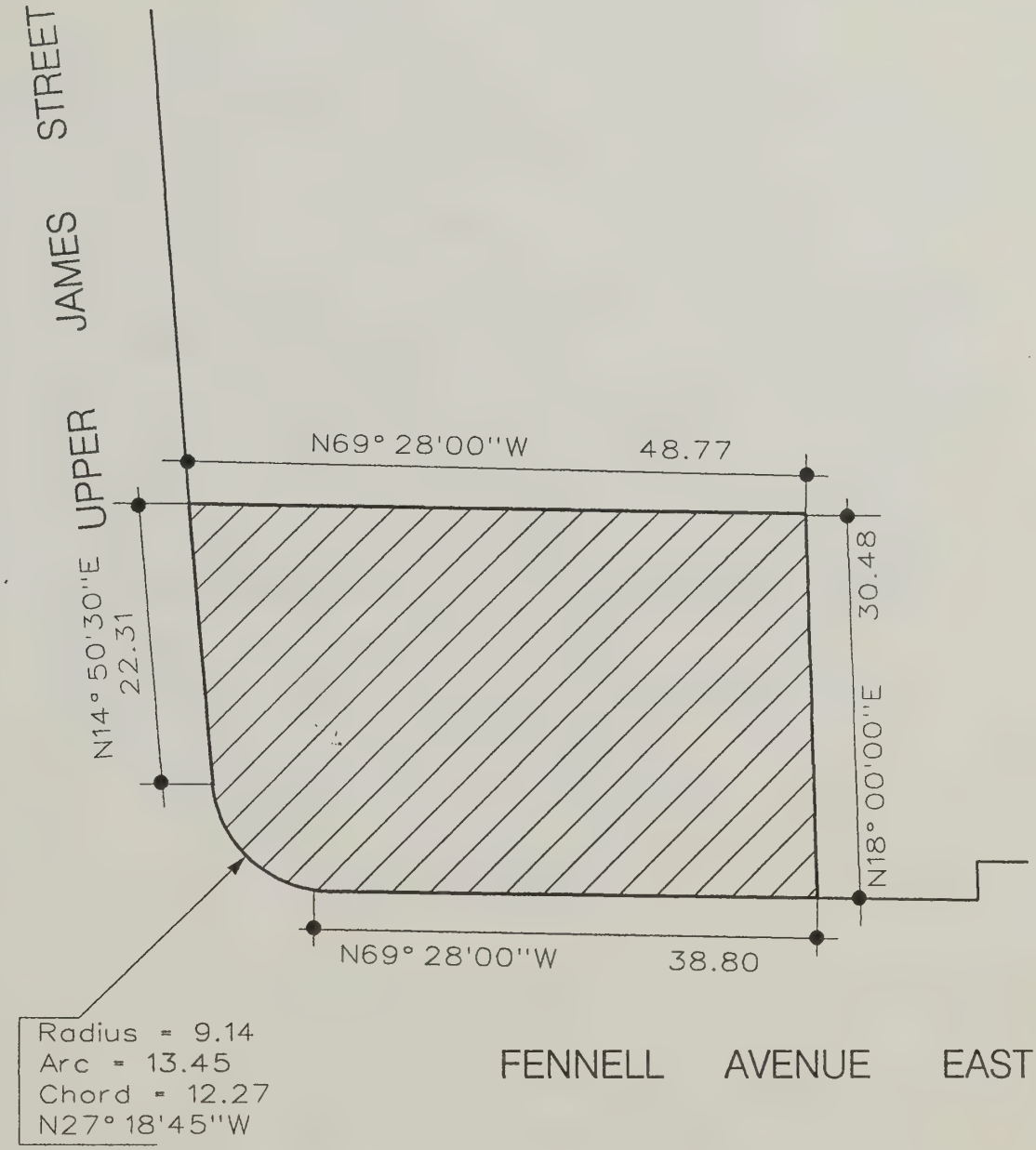
7. Sheet No. E-7 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1409.

8. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 29th day of September A.D. 1998

CITY CLERK MAYOR

(1998) 14 R.P.D.C. 1, August 5
1135193 Ontario Inc.
(Hussein Ghaddar), Prospective Owner
Amended ZAC-98-02



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-242
Passed the 29th day of September 1998.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 98-242

to Amend By-Law No. 6593

Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-02
	Date	**Drawn By**
	September 1998	B. B.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 243

To consolidate the Property Standards By-Law

Where Section 31 of the Planning Act R.S.O. 1990, Chapter P.13 contained the jurisdiction for Municipalities to enact Property Standards By-Laws,

And Whereas pursuant to the provisions of the Planning Act, the City did adopt an Official Plan subsection C.5 on Property Maintenance and Municipal Housekeeping which includes provisions relating to property conditions..

And Whereas By-Law No. 94-185 was enacted pursuant to Section 31, of the Planning Act,

And Whereas the Tenant Protection Act S.O. 1997, Chapter 24, repealed Section 31 of the Planning Act and transferred the Property Standard By-Law authority to the Building Code Act, 1992.

And Whereas it is desirable to consolidate By-Law No. 94-185.

NOW THEREFORE, the Council of the Corporation of the City of Hamilton enacts as follows:

SHORT TITLE

1. This by-law may be cited as The Property Standards By-law.

INTERPRETATION

2. In this by-law.

(a) "accessory building" means a building or structure the use of which is incidental to the use of a property and which is located in the yards located on the same lot as a building.

(b) "approved" means approved by the Property Standards Officer

(c) "basement" means any storey below the first storey.

(d) "building" means any structure used or intended to be used for supporting or sheltering any use or occupancy.

(e) "building code" includes,

(i) The Building Code Act ,1992 and regulations made thereunder.

(ii) City of Hamilton By-law No. 93-167 as amended.

(f) "cellar" means a storey that is more than 50 percent below grade.

(g) "City" means The Corporation of the City of Hamilton.

(h) "committee" means The Property Standards Committee established under this By-law.

(i) "dwelling" means a building or structure, with or without kitchen facilities or a part of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes a building that would be or would be intended to be used for such purposes, except for its state of disrepair.

(j) "dwelling unit" means a suite that is a housekeeping unit, used or intended to be used as a domicile by one or more persons for living, sleeping and preparing food and **must** include a kitchen.

(k) "first storey" means the uppermost storey having its floor level not more than 2 meters above grade.

(l) "guard" means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another. Such barrier may or may not have openings through it.

(m) "habitable room" means any room in a dwelling or dwelling unit used or intended to be used for living, eating, sleeping, or cooking, and without limiting the foregoing shall include den, library, sunroom or recreational room or any combination thereof.

(n) "health by-law" means The City of Hamilton Health By-Law, being By-Law No. 4798, a by-law Respecting Conditions which may be or become Injurious to Health, and the regulations made thereunder, and any regulation or by-law prescribed or authorized by the provisions of The Health Protection & Promotion Act, 1990, Chapter H.7, as amended.

(o) "heating appliance" means a device to convert fuel into energy and includes all components, controls, wiring, and piping required to be part of the device by the applicable standard referred to in the Building Code.

(p) "inoperative motor vehicle" means a vehicle having missing parts, including tires or damaged or missing glass or deteriorated or removed metal adjunct or part which prevent its normal function.

(q) "lot" means a parcel of land the boundaries of which are defined in the last registered instrument by which legal or equitable title to the said parcel was lawfully and effectively conveyed.

(r) "medical officer of health" means The Medical Officer of Health for the Regional Municipality of Hamilton-Wentworth, Department of Health Services.

(s) "multiple dwelling" means a building containing four or more dwelling units.

(t) "non-habitable room" means any room or space in a dwelling, or dwelling unit, other than a habitable room and includes a washroom, bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, cellar, boiler room, garage, or space for service and maintenance of any building for public use and for access to and vertical travel between storeys.

(u) "occupancy" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

(v) "officer" means a Property Standards Officer who has been assigned the responsibility of administering and enforcing by-laws enacted pursuant to Section 15.1 of the Building Code Act, 1992.

(w) "owner" includes the person, for the time being, managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account, or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease,

is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

(x) "property" means a building or structure, or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile structures, mobile buildings, mobiles homes, outbuildings, fence and retaining walls, and erections thereon, whether heretofore or hereafter erected and includes vacant property.

(y) "protective device" means any mechanical device designed for the purpose of inhibiting movement by latching or automatic engagement or in any other reasonable manner.

(z) "repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this by-law.

(aa) "residential property" means any property that is used or is capable of being used as a dwelling or multiple thereof, and includes any land or buildings that are appurtenant to such establishment including but not necessarily limited to all steps, walks, driveways, parking spaces, fences and yards.

(bb) "retaining wall" means a structure that holds back soil or other loose material to prevent it assuming the natural angle of repose at locations where an abrupt change in ground elevation occurs.

(cc) "sanitary sewage" means liquid or water borne waste
(i) of industrial or commercial origin, or
(ii) of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste.

(dd) "storm sewage" means water that is discharged from a surface as a result of rainfall, snowmelt or snowfall.

(ee) "sewage system" means the Regional Municipality of Hamilton-Wentworth's system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system approved by the Chief Building Official within the City of Hamilton.

(ff) "standards" means the standards of physical condition and of occupancy prescribed for property by this by-law.

(gg) "storey" means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

(hh) "suite" means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.

(ii) "tenant" means any person or persons over the age of 18 years in possession of the property.

(jj) "unsafe condition" means any condition that poses a danger to the health or safety of any person on or about the premises.

(kk) "visual barrier" shall mean a continuous, uninterrupted structure which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal or other similarly solid material.

(ll) "yard" means the land within the boundary lines of the lot and not occupied by the principal building.

SCOPE

3(1) No person shall use or occupy, or being the owner thereof or his agent, shall allow to be used or occupied, any property unless such property conforms to the standards prescribed herein, nor shall the owner or his agent permit the accumulation of debris or rubbish on yards, as herein defined, in contravention of the standards prescribed in this By-Law.

3(2) No person shall use or permit any one to use any property that does not conform to the standards of this By-Law.

3(3) No owner of any property shall fail to maintain such property to conform to the standards of this By-Law.

3(4) No person shall remove from a property any sign, notice or placard placed thereon pursuant to section 20 of the Building Code Act, 1992.

VALIDITY

4(1) Should any section or part of a section of this By-Law be held to be invalid, the validity of the remainder of the By-Law shall not be affected.

GENERAL STANDARDS FOR ALL PROPERTIES

STRUCTURAL STANDARD

5(1) Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use, having a factor of safety as required by the Ontario Building Code.

5(2) All exterior surfaces shall be of materials which resist deterioration by the weather or have resistant coatings applied to them.

5(3) The exterior walls, chimneys, roofs and other parts of the property shall be free from loose, rotten, warped and broken materials and objects. Such materials and objects shall be removed, repaired or replaced.

5(4) **FIRE DAMAGED BUILDINGS**

Fire damaged buildings shall be kept clear of all garbage, refuse and debris and shall have all water, electrical and gas services turned off except those services that are required for the security and maintenance of the property.

The owner or agent of the fire damaged building shall restore the building to meet the requirements of Sections 5,6,7, and 8 of the said By-Law, and shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inches) weather-proofed sheet plywood, painted a colour compatible with the surrounding walls.

EXTERIOR WALLS AND ROOFS

6(1) The exterior walls and their components shall be maintained so as to prevent their deterioration and shall be so maintained, by the painting,

restoring or repairing of the walls, coping or flashing or by the waterproofing of joints and of the walls themselves.

6(2) Exterior walls, roofs and other parts of a building shall be free from loose and unsecured objects and materials which may create an unsafe condition. Such objects or materials shall be removed, repaired or replaced.

6(3) Exteriors of buildings shall be kept weather resistant through the use of caulking and other appropriate weather resistant materials and be maintained to prevent the entry of vermin and birds.

6(4) A roof including the fascia board, soffit, cornice and flashing shall be maintained in a condition so as to prevent the leakage of water into the building.

6(5) All structural components of a roof shall provide adequate support for all probable loads, and form a suitable base for the roof covering.

6(6) Sign faces and their structures shall be maintained without any visible deterioration of the sign or its structure.

6(7) Exterior walls of a building or structure and their components shall be maintained free of painted slogans, graffiti or similar defacements.

6(8) Exterior walls of a building or structure, and their components shall be maintained free of posters or advertisements which are:

a) for events which have already occurred or

b) which are, or may become, loosened, dislodged, torn or otherwise in a condition which may permit them to detach and become litter.

FOUNDATIONS AND BASEMENTS

7(1) The foundation walls and the basement, cellar or crawl space floors shall be maintained in good repair and structurally sound.

7(2) Every basement, cellar and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.

INTERIOR STRUCTURE & FLOORS

8(1) Every building, unless of concrete slab-on-grade design, shall be upon either full foundation walls or piers, and all footings, foundation walls, and piers shall be of concrete, masonry, or other material acceptable to the City under the provisions of the Building Code and shall be sound, reasonably plumb, and adequate to carry the loads imposed on them.

8(2) In every building all joists, beams, studding, and roof rafters shall be of sound material and adequate for the load to which they are subjected.

8(3) Every cellar shall have a floor of concrete or other material acceptable to the City under the provisions of the Building Code for purposes of water drainage and to guard against the entry of vermin.

8(4) Every floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition. Such defective floor boards shall be repaired or replaced.

8(5) Where floors have been covered with linoleum or other covering that has become worn or torn so that it retains dirt or may create an unsafe condition, the sheet flooring or other covering shall be repaired or replaced.

8(6) Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material.

8(7) Every wall and ceiling shall be maintained in a condition free from holes, cracks, loose coverings or other defects which would permit flame or excessive heat to enter a concealed space.

RUBBISH AND DEBRIS

9(1) Every property shall be kept free from rubbish, debris or conditions which constitute fire, accident or health hazards.

9(2) Every porch, hallway, stairway and common area shall be kept free of garbage, debris, old furniture, appliances, etc.

PLUMBING SYSTEM

10(1) The plumbing system in every building shall be maintained in good working order and free from leaks and defects and in compliance with The Ontario Building Code. All water pipes and appurtenances thereto shall be protected from freezing. All plumbing fixtures shall be connected to the sewage system through water seal traps.

KITCHEN FACILITIES

11(1) Every Commercial and Industrial building shall contain plumbing fixtures in accordance with the appropriate provincial legislation.

11(2) Every kitchen shall contain an area equipped with a sink, served with potable running water, storage facilities, a work area, and space for a stove and refrigerator and all areas shall be maintained in a good state of repair.

HEATING SYSTEMS

12(1) Except for spaces exempted by the Building Code, a heating system shall be installed that is capable of supplying during normal hours of occupancy of the building sufficient heat to maintain a temperature of not less than 22 degrees Celsius or 72 degrees Fahrenheit at the outside design temperature specified in the Building Code.

12(2) The heating system and every other mechanical system shall be:

(a) operated and maintained,

(i) in good working order; and

(ii) free from unsafe conditions; and

(iii) in accordance with the requirements of the Building Code; and

(b) maintained at all times in good repair.

12(3) No heating appliance shall be installed or placed so as to cause a fire hazard nor to impede the free movement of a person within the room where the heating appliance is located. A heating appliance shall not be located in corridors, hallways or other means of egress.

12(4) Any heating system or part thereof or any auxiliary heating system that is designed to burn solid or liquid fuel shall be provided with a properly constructed receptacle for fuel storage or a place for storage located so as to be free from fire or accident hazard.

12(5) Every chimney, smoke pipe and flue shall be maintained so as to prevent gases from leaking into a building and the maintenance shall include cleaning the flue of obstructions, filling open joints and repairing masonry.

12(6) Any heating equipment used in the process of burning fuel shall be properly vented to the outside air by means of an approved smokepipe, vent pipe or chimney.

12(7) All gaseous and liquid fuel burning appliances and equipment shall comply with the relevant provincial regulations.

MAINTENANCE OF PROPERTY YARDS/ PARKING LOTS/ VACANT PROPERTY

13(1) Facilities for lighting, including flood lighting required as a condition of site development or redevelopment, shall be maintained in a good state of repair and in accordance with the recommended horizontal illuminance as set out under the I.E.S. Lighting Handbook (1987).

13(2) Yards shall be kept clean and free from rubbish or other debris and from objects or conditions that might create a health, fire or accident hazard or an unsafe condition.

13(3) Heavy undergrowth and noxious plants, such as ragweed, poison oak, poison ivy and poison sumac, shall be eliminated from the yard.

13(4) Every yard, parking lot, and vacant property shall be kept free from:

(a) metal, wood and rubber objects, barbed and other wire.

(b) unused or surplus animal, vegetable or chemical products that are the by-products of any process, or that may be or become contaminated

13(5) Storage, salvage, and scrap yards, whether licensed or not, shall be effectively screened from all other property or streets by a visual barrier and materials or matter of any kind stored or located in such yards shall not be piled within 1 metre of such visual barrier, unless such visual barrier is capable of sustaining any horizontal load which may be imposed upon it by the stored materials.

13(6) Grass, plantings, and hedges shall be kept trimmed and neat. Every yard and vacant property shall be kept free of noxious plants in accordance with the provisions of the Weed Control Act R.S.O. 1990, Chapter W.5 and amendments thereto and the regulations made thereunder.

13(7) Ground cover, hedges, trees, landscaping and site facilities required as a condition of site development or redevelopment shall be maintained in living condition and in a good state of repair.

13(8) Trees or parts thereof that have expired shall be removed or maintained in a condition which is not hazardous to persons expected to be on or about the property.

13(9) Concrete wheel stops shall be installed where parking spaces are adjacent to a property line to protect fences and neighbouring properties from physical damage.

13(10) Stoned surfaces shall be maintained free of dust and spillover onto sidewalks and grass surfaces.

WALKS AND SAFE PASSAGE

14(1) There shall be a walk leading from the principal entrance of every building to the street. Such walks may lead to a driveway or hard surfaced area provided such area leads to a street.

14(2) The surfaces of steps, walks, driveways, parking spaces and similar areas of the yard shall be maintained so as to afford safe passage under normal use.

SEWAGE AND DRAINAGE

15(1) Sanitary sewage shall be discharged into the municipal sanitary sewer where such a system exists. Where a Municipal sanitary sewer does not exist, sewage shall be disposed of in a manner acceptable to the Chief Building Official.

15(2) Roof drainage shall not be permitted to discharge on a sidewalk, stairs, neighbouring property, or a street.

15(3) Storm water shall be drained from a yard so as to eliminate recurrent standing water or ponding and prevent the entrance of water into a basement or cellar on the property or adjacent properties.

15(4) Condensation from air conditioners shall not be permitted to discharge onto the sidewalk or street.

15(5) Eavestroughs shall be maintained:

a) watertight and free from leaks,

b) in good working order, and free from any obstructions,

c) in a stable condition and shall be securely fastened to the structure, and

d) free from unsafe conditions.

15(6) Downspouts shall be maintained:

a) watertight and free from leaks,

b) in good working order, and free from any obstructions,

c) in a stable condition and shall be securely fastened to the structure, and

d) free from unsafe conditions.

ACCESSORY BUILDINGS AND FENCES

16(1) Accessory buildings, fences, barriers and retaining walls shall be kept in good repair.

16(2) The owner of any property used for multiple-dwelling, commercial, institutional, or industrial purposes shall install and maintain around such property a visual barrier not less than 4 feet (1.2 metres) and not more than 6 feet 6 inches (2.0 metres) in height where such property is used for the

parking, access, and exiting of vehicles by tenants, employees, or customers or when used for the operation of equipment or when used for the storage of goods, or when used for any other purpose which may detract from the quiet enjoyment and good appearance of an abutting residential property.

16(3) Despite Section 16(2), no visual barrier shall be required within 9 feet, 9 inches (3.0 metres) in distance from a front lot line in accordance with By-law No. 6593, as amended.

ADDITIONAL RESIDENTIAL STANDARDS

WEATHER PROOFING

17(1) Every exposed ceiling or exterior wall of a residential building when opened or replaced during the course of alterations or renovations shall be insulated, in order to minimize heat loss, air infiltration and moisture condensation on the interior surfaces, in accordance with,

(a) the Building Code and amendments thereto, made under the Building Code Act, 1992 or

(b) standards equivalent to the Building Code and amendments thereto, satisfactory to the Property Standards Officer.

17(2) Windows and exterior doors and frames, basement or cellar hatchways and attic access doors shall be maintained in good repair and shall be of such construction so as to minimize drafts and heat losses through the infiltration of outside cold air.

17(3) Rotted or damaged doors, door frames, window frames, sashes and casings, weatherstripping, broken glass and missing or defective door and window hardware shall be repaired or replaced.

SECURITY

18(1) All openable windows, exterior doors and the entrance door to a dwelling unit shall have hardware so as to be capable of being locked or otherwise secured.

18(2) Every lock on a building that is designed to be unlocked with a key or combination shall be maintained in good working order or shall be repaired or replaced.

18(3) The owner of a multiple dwelling shall, upon the written request of an occupant of the dwelling unit, in which children under the age of ten reside, provide and install a protective device on any window that,

(a) has a moveable sash, and

(b) is more than six feet (1.8 m) above adjacent finished ground level.

18(4) The protective device shall be installed within seven days of the delivery of the written request upon the owner, his agent or representative.

18(5) The protective device shall be installed in such a manner as to prevent any child under the age of ten years from opening a window to any amount greater than four inches (100 mm.).

18(6) The owner of a building containing 10 or more dwelling units shall post or display or cause to be posted or displayed and shall maintain or cause to be

maintained a legible and clearly printed copy of this section, conspicuously placed in the building so as to be clearly visible and available for ready viewing and easy reading by tenants or occupants of the building.

STAIRS AND PORCHES

19(1) Interior and exterior stairs, porches and any other means of access shall be maintained so as to be free of holes, cracks and other defects which may constitute possible accident hazards. Treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.

19(2) A handrail shall be installed and maintained in good repair on all stairs which have more than 3 risers.

19(3) Handrails shall be located between 32 inches and 36 inches (810 and 920mm) measured vertically above a line drawn through the outside edges of stair nosings.

19(4) Handrails will be provided on both sides of stairs greater than 43 inches (1100 mm) in width.

19(5) Every exterior landing, porch and every balcony, mezzanine, gallery, raised walkway and roof to which access is provided for other than for maintenance purposes, shall be protected by guards on all open sides where the difference in elevation between adjacent levels exceeds 24 inches (610 mm), and every exterior stair with more than 6 risers shall be protected with guards on all open sides where the difference in elevation between the adjacent ground level and the stair exceeds 24 inches (610 mm). All guards including those for balconies shall be at least 42 inches (1070mm) in height. Guards for stairs shall be not less than 2 ft 11 in (900 mm) high measured vertically from a line drawn through the outside edges of the stair nosings, and 3 ft 6 in (1070 mm) high at landings. Guards for stairs within dwelling units and stairs serving not more than one dwelling unit shall be not less than 2 ft 7 in (800 mm) measured vertically above a line drawn through the outside edges of stair nosings, and not less than 2 ft 11 in (900 mm) above landings All required guards within dwelling units, other than those previously described shall be not less than 2 ft 11 in (900 mm) high.

INTERIOR WALLS, CEILINGS AND DOORS

20(1) Every wall and ceiling shall be maintained in a condition free from holes, cracks, loose coverings or other defects which would permit flame or excessive heat to enter a concealed space.

20(2) Where fire resistant walls and doors exist between separate dwelling units they shall be maintained in a condition which maintains their fire-resistant quality.

20(3) Where doors are provided, the doors and associated hardware shall be maintained in a good state of repair.

WATER

21(1) Every dwelling shall be provided with a supply of potable water from at least one of the following approved sources:

a) Municipal Water System

b) Communal Water System

c) Private Source

21(2) Every dwelling or building to which water is available under pressure through piping shall be provided with:

a) piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, slop sink and laundry area and

b) piping for cold water connected to every toilet and hose bib,

c) equipment which supplies hot water to every washbasin, sink, bathtub or shower.

TOILET, KITCHEN AND BATHROOM FACILITIES

22(1) Every dwelling unit shall contain plumbing fixtures consisting of:

a) a kitchen sink

b) a water closet

c) a hand wash basin; and

d) a bathtub and/or shower

22(2) All bathrooms and toilet rooms shall be located within and accessible from within the building and all bathrooms and toilet rooms shall be maintained in a good state of repair.

22(3) All bathrooms and toilet rooms shall be fully enclosed and shall have a door capable of being closed so as to provide privacy for the occupant.

22(4) A hand wash basin shall be located in the same room as the toilet or in an adjoining bathroom.

22(5) Where toilet, kitchen or bathroom facilities are shared by the occupants of residential accommodation, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities. The minimum number of toilets, kitchens or bathrooms required shall be in accordance with the Ontario Building Code.

22(6) Every bathroom and every toilet room shall have a permanently installed artificial lighting fixture that shall be maintained in good working order.

22(7) No toilet or urinal shall be located within a habitable room.

KITCHEN FACILITIES

23(1) Except for a dwelling in which the occupants do not, and are not intended or permitted to prepare food for their own consumption, and which is not required to have any kitchen facilities, every dwelling unit shall be provided with each of the following components and shall be maintained in a good state of repair:

(a) Every kitchen shall be provided with a kitchen sink and a splash back which is water and grease resistant.

(b) Every kitchen shall be provided with a work surface of at least 8 square feet which shall be impervious to grease and water.

(c) Every kitchen shall be provided with kitchen cupboards or pantry for the storage of food, dishes, and cooking utensils having a content of at least 30 cubic feet.

(d) Every kitchen shall be provided with sufficient space to accommodate a cooking range or a countertop cooking unit.

ELECTRICAL SERVICES

24(1) Every suite and dwelling unit, where required by the Building Code and the Ontario Electrical Code, shall be:

(a) connected to an electrical supply system; and

(b) wired to receive electricity.

24(2) The capacity of the connection to the building and the system of circuits and electrical outlets distributing the electrical supply within the building shall be:

(a) adequate for the intended use; and

(b) maintained at all times,

(i) free from unsafe conditions ; and
(ii) in accordance with the requirements of the Ontario Electrical Code.

24(3) An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.

24(4) Electric heating shall be maintained in compliance with the provincial regulations.

LIGHTING

25(1) Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and non-habitable work room in a suite, dwelling unit or building shall have a permanently installed lighting fixture that shall be maintained in good working order.

25(2) All public hallways and stairs in multiple dwellings shall be illuminated so as to provide safe passage.

VENTILATION

26(1) Except as herein provided, every habitable room shall have an opening or openings for natural ventilation from outside which shall be maintained in good working order.

26(2) Except as herein provided every bathroom or room containing a water closet shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed area of 1 sq.ft. (.09 sq.m.)

26(3) Where a system of mechanical ventilation is provided in accordance with the Ontario Building Code, an opening for natural ventilation from a bathroom or toilet room may be omitted.

26(4) All systems of mechanical ventilation shall be maintained in good working order.

26(5) The natural ventilation requirements prescribed in subsections (1) and (2) may be omitted from any room where adequate mechanical ventilation equipment has been approved by the Property Standards Officer.

26(6) Every basement, cellar and unheated crawl space shall be adequately vented.

GARAGES

27(1) Garages shall be so maintained as to prevent gas fumes and carbon monoxide from entering the area of the dwelling unit.

27(2) Garages shall be maintained in good repair and free from accident hazards.

GARBAGE DISPOSAL

28(1) Every dwelling, dwelling unit and building shall be provided with sufficient receptacles to contain all garbage, rubbish and ashes that accumulate on the property and shall be made available for removal weekly.

28(2) Receptacles for garbage shall be:

i) made of watertight construction

ii) provided with a tight fitting cover and

iii) maintained in a clean state.

28(3) Boxes or plastic bags, when adequately secured so as to prevent spillage, shall be considered to be acceptable receptacles. However, such containers shall not be stored outdoors unless protected from damage.

28(4) Paper bags of any type shall not be considered as acceptable receptacles. Such bags, when used to contain garbage, shall be placed in receptacles as prescribed by Section 28.2 or 28.3.

28(5) (a) Every garbage and refuse chute, and every garbage and refuse storage room in a multiple dwelling shall be kept in use and maintained in operation at all times.

(b) No owner of a multiple dwelling or occupant thereof shall disconnect, shut off, remove, otherwise discontinue, or cause or permit the disconnection, shutting-off, removal, or discontinuance of any garbage and refuse chute or any garbage and refuse storage room except when such action is necessary in order to safely make repairs, replacements or alterations thereto, and then only during the reasonable minimum time that such action is necessary.

(c) Where it is not practical to maintain garbage chutes operational, because compactors are not able to be installed in place of incinerators the garbage and refuse chutes need not be maintained operational at all times if an alternate method readily accessible to all occupants is provided and maintained as follows:

(i) a garbage storage area is provided on each floor of the building,

(ii) the occupants are not required to deliver the garbage to the ground floor, basement or parking lot of the building, and

(iii) a daily collection procedure from each floor is provided by the management of the building and the garbage is delivered to the receptacles as required in Sections 28(2) and 28 (3) of this By-Law.

OCCUPANCY STANDARDS

29(1) No person shall use or permit the use of a non-habitable room for a habitable room purpose.

29(2) Every living room, dining room, and kitchen shall have an average clear height of 7 feet over at least three-quarters of its floor area and every bedroom shall have an average clear height of 7 feet over at least one-half its floor area.

29(3) A bedroom or sleeping room for one person shall have a floor area of at least 60 square feet, and a bedroom or sleeping room for 2 or more persons shall have a floor area of at least 36 square feet per person, calculated in each case from the measurement of such room from the inside faces of its walls, exclusive of the floor area of any closet or other storage space.

29(4) For the purpose of computing the floor area or ceiling height of rooms referred to in subsections (1) and (2) and (3) of this section, the floor area of any portion of the room which does not have a clear height of 4 feet 6 inches shall be excluded.

RESPONSIBILITIES OF THE OWNER

The owner of a property shall:

30(1) Comply with all standards prescribed in this By-law.

30(2) Not permit any person to use or occupy any property owned, managed or controlled by him unless such property conforms to the standards prescribed in this By-Law.

30(3) Comply with any final and binding order of the Property Standards Officer.

30(4) Provide tests and samples as specified by the Property Standards Officer.

ADMINISTRATION AND ENFORCEMENT

Officers

31(1) The Chief Building Official appointed pursuant to the Building Code Act, 1992, is hereby assigned the responsibility of administering and enforcing this By-law.

31(2) A Property Standards Officer may permit the maintenance of property to alternate standards required by any provision of this By-law.

31(3) The alternate standards shall be in accordance with the general purpose and intent of this By-law.

31(4) Where alternate standards are permitted, they shall have the same effect and force as standards required by any provision of this By-law.

31(5) A Property Standards Officer is hereby authorized to give immediate effect to any order that is confirmed or modified as final and binding under section 15.3(7) of the Building Code Act, 1992 so as to provide for:

(i) repair of the property; or

(ii) clearing of all buildings, structures or debris from the site and the leaving of the site in a graded and levelled condition,

where the cost of doing the work does not exceed $20,000.

31(6) Where the cost of doing the work exceeds $20,000, the Building Department shall seek the authorization from City Council to carry out the requirements of the order.

31(7) Upon completion of the work referred to in section 31(5), the municipality shall have a lien on the land for the amount spent on the repair or demolition , and the amount shall be deemed to be municipal real property taxes and may be added by the clerk of the municipality to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

RIGHT TO ENTER AND INSPECT

32(1) An officer acting under this by-law or any person acting under his or her instructions

(a) may, at any reasonable time, and upon producing proper identification, enter upon any property without a warrant for the purpose of inspecting the property to determine

(i) whether the property conforms with the standards prescribed in the by-law

(ii) whether an order made under this by-law has been complied with

(b) Notwithstanding the above, a Property Standards Officer shall not enter or remain in any room or place actually used as a dwelling unless,

(i) the consent of the occupier is obtained, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a warrant issued under the Building Code Act, 1992.

(ii) the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health and safety of any person

(iii) a warrant issued under the Building Code Act, 1992 is obtained.

(iv) the entry is necessary to repair or demolish the property in accordance with an Order issued under this By-Law and the Officer, within a reasonable time before entering the room or place, serves the occupier with Notice of the Officer's intention to enter the room or place.

NOTICE OF VIOLATION

33(1) If, after inspection, an officer is satisfied that in some respect the property does not conform with the standards, he or she may issue an order to the owner and such other persons affected by it as the officer determines and a copy of the order may be posted on the property.

33(2) The order referred to in subsection (1) hereof shall,

(a) state the municipal address or the legal description of the property.

(b) give reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris, or refuse and left in a graded and levelled condition

(c) indicate the time for complying with the terms and conditions of the order and give notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and

(d) indicate the final date for giving notice of appeal from the order.

(e) be served or caused to be served,
(i) by personal service, or
(ii) by prepaid registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.

APPEAL OF ORDER

34(1) An owner or occupant who has been served with an order made under this By-law, and who is not satisfied with the terms or conditions of the order may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the order.

34(2) An order that is not appealed within the time referred to above shall be deemed to be confirmed.

34(3) If an appeal is taken, the Committee shall hear the appeal and shall have all the powers and functions of the officer who made the order and may,

(a) confirm, modify or rescind the order to demolish or repair

(b) extend the time for complying with the order if, in the committee's opinion, the general intent and purpose of the by-law and of the official plan or policy statement are maintained.

34(4) The city in which the property is situate or any owner or occupant or person affected by a decision under Section 34(3) may appeal to a Judge of the Ontario Court (General Division) by notifying the Clerk of the City in writing and by applying to the Ontario Court (General Division) for an appointment within 14 days after the sending of a copy of the decision

34(5) A Judge of the Ontario Court (General Division) shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and upon whom the appointment is to be served.

34(6) On the appeal, the Judge has the same powers and functions as the Committee.

34(7) An order that is deemed to be confirmed or modified by the Committee or Judge, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order.

RESPONSIBILITIES OF LESSEE

35(1) The occupant of any property to the extent that he or she is made responsible by the lease or agreement under which he or she occupies the property, shall be required to repair and maintain the property in accordance with the standards.

REGISTRATION OF ORDER

36(1) An order issued pursuant to subsection (1) of Section 33 may be registered in the Land Registry or Land Titles Office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under the provisions of this by-law.

36(2) When the requirements of the order have been satisfied, the Clerk of the Corporation shall forthwith register in the Land Registry or Land Titles Office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

POWER OF CORPORATION TO REPAIR OR DEMOLISH

37(1) (a) If the owner or occupant of a property fails to repair or to demolish the property in accordance with an order as confirmed or modified, the City in addition to all other remedies.

(i) may repair or demolish the property,

(ii) may clear the site of all buildings, structures, debris or refuse and leave the site in a graded and levelled condition; and or

(iii) may make the site safe or impede entry by erecting fences, barricades or barriers

(b) for the purposes of section 33(1) the property standards officers and the City's agents may from time to time enter in and upon the property;

(c) Despite Section 31(2) of the Building Code Act, 1992, the City or an officer acting on its behalf shall not be liable to compensate the owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the City in the reasonable exercise of its powers under the provisions of this section.

PROPERTY STANDARDS COMMITTEE

38(1) A committee to be known as The Property Standards Committee of the City of Hamilton is hereby continued.

38(2) The Property Standards Committee for the City of Hamilton shall consist of 5 ratepayers of the City to be appointed by Council for a 3 year term . The members of the Committee shall hold office until their successors

have been appointed. Any vacancy on the Committee shall be filled forthwith by Council.

38(3) For the purpose of this Section, "ratepayer" shall mean either an owner of property in Hamilton or a tenant shown on the last revised assessment roll of a property located in Hamilton.

CERTIFICATE OF COMPLIANCE

39(1) Every owner may make an application to the City for a certificate of compliance by lodging the application with the Property Standards Officer.

39(2) The applicant shall pay the fees referred to in The Building Permit and Fees By-Law No. 93-018 or any successor By-Law for a certificate of compliance applicable at the time the application is made.

PENALTIES

40(1) Any owner who fails to comply with an Order which is final and binding is guilty of an offence and upon conviction shall be liable to a fine of not more than $25,000 for a first offence and to a fine of not more than $50,000 for any subsequent offence.

40(2) Despite subsection (1) if a Corporation is convicted of an offence under this By-Law, the maximum penalty that may be imposed on the Corporation is $50,000 for a first offence and $100,000 for any subsequent offence.

PROCEEDINGS CONTINUED

41(1) Any order issued or proceeding conducted under By-laws No. 74-74 or 94-185 shall be deemed to continue under this By-law and any reference to By-laws No. 74-74 or 94-185 shall be deemed to refer to this By-law.

41(2) In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters that have happened before the repeal of By-Laws No. 74-74 or 94-185 of the Corporation, as amended, the procedure established by this By-Law shall be followed so far as it can be adopted.

REPEAL

42 By-Law No. 94-185 , as amended as enacted by Council on the 8th November, 1994 and the following By-Laws are hereby repealed:

95-226 and 98-104

43 This By-Law comes into force on the date of passing.

PASSED this 29th day of SEPTEMBER, 1998

CITY CLERK

MAYOR

Bill No. C-110

The Corporation of the City of Hamilton

BY-LAW NO. 98—244

To Remove
Land within the "Tiffany, Phase 2" Subdivision, Plan 62M-850
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purposes of establishing maintenance easements shall not apply to the following lands:

   Lots 2 to 21, inclusive, within Registered Plan Number 62M-850, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.

   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

   (c) This By-law shall expire on October 1, 1999.

PASSED this 29th day of September A.D. 1998.

City Clerk

Mayor

Bill No. D-50

BY-LAW NO. 98 - 245

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 29th DAY OF SEPTEMBER, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 29th day of September 1998

CITY CLERK

MAYOR

Bill No. E-20

BY-LAW NO. 98 - 246

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 6th DAY OF OCTOBER, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 6th day of October A.D. 1998

CITY CLERK

MAYOR

Bill No. A-70

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 247

TO SELL A CLOSED WALKWAY BETWEEN
61 AND 62 HARBOTTLE COURT BEING ALL OF BLOCK 8 PLAN 62M-709
AS CLOSED BY JUDGE'S ORDER LT514469
DESIGNATED AS PARTS 1 & 2 ON PLAN 62R-14304

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the said Walkway was closed by Judge's Order registered as LT514469 and as authorized by City Council in adopting Items 69 and 70 of the 1st Report of the Transport & Environment Committee on 1997 December 11.

AND WHEREAS notice of the City's intention to pass this By-law has been published as required by Section 300 of the Municipal Act for four consecutive weeks in the Hamilton Spectator, a newspaper having general circulation in the City of Hamilton.

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, no matter whether in objection to or in support of the By-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That the sale of the closed Walkway being all of Block 8, Plan 62M-709 and designated as:

   Parts 1 & 2 on Plan 62R-14304.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

   are hereby authorized.

2. That the soil and freehold of the land shown as Part 1 on Plan 62R-14304 be sold to A. Faiazza for a sum of $2.00 pursuant to the agreement dated 1997 Novenber 24.

3. That the soil and freehold of the land shown as Part 2 on Plan 62R-14304 be sold to G. & M. Kelly for a sum of $2.00 pursuant to the agreement dated 1997 Novenber 24.

PASSED this 13th day of October A.D. 1998

City Clerk

Mayor

Bill No. A-71

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 248

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 9 (Through Highways)** of By-law 89-72, as amended, is hereby further amended adding thereto the following item, namely:-

   "Caroline Street, from the northerly limit of Hunter Street to the southerly limit of King Street, except at the intersection of Main Street"

   and by deleting therefrom the following item, namely:-

   "Caroline Street, from the northerly limit of Hunter Street to the southerly limit of York Street, except at the intersections of King and Main Streets"

2. That **Schedule 26 (No Parking Areas)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Caroline	West	Napier to a point 122 feet south of York	Anytime"

   and by deleting therefrom the following items, namely:-

"Caroline	West	From 122 ft. south of York to 112 ft. north of King	Anytime"

3. That **Schedule 34 (Sticker Permit Parking)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Catharine	East	commencing 106 feet south of Murray and extending 22 feet southerly therefrom	Anytime
Catharine	West	commencing 63 feet south of Murray and extending 18 feet southerly therefrom	Anytime
Tisdale	North	commencing 111 feet south of Wilson and extending 18 feet southerly therefrom	Anytime"

and by deleting therefrom the following item, namely:-

"Stirton	West	commencing at a point 36 feet north of Cannon and extending to a point 18 feet northerly therefrom	Anytime"

4. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed unchanged.

5. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 13th day of October A.D. 1998.

CITY CLERK

MAYOR

Bill No. A-72

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 249

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 10 (Stops at Intersections)** of By-law 89-72, as amended, is hereby amended by adding thereto the following items, namely:-

"Upper Paradise	Northbound and Southbound	Eagleglen
Lupin	Eastbound	East 45th
Thelma	Westbound	East 45th
Morgan	Westbound	Clifton Downs
Chedoke	Southbound	Hillcrest"

2. That **Schedule 29 (No Stopping Areas)** of said By-law is hereby amended by adding thereto the following item, namely:-

"Bonaparte	North	commencing at Corsica and extending 58 feet easterly therefrom	Anytime
Bonaparte	North	commencing at Corsica and extending 61 feet westerly therefrom	Anytime
Bonaparte	North	commencing at Fusilier and extending 50 feet easterly therefrom	Anytime
Bonaparte	North	commencing at Fusilier and extending 62 feet westerly therefrom	Anytime
Corsica	East	commencing at Bonaparte and extending 50 feet northerly therefrom	Anytime
Corsica	West	commencing at Bonaparte and extending 50 feet northerly therefrom	Anytime

Fusilier	East	commencing at Bonaparte and extending 50 feet northerly therefrom	Anytime
Fusilier	West	commencing at Bonaparte and extending 50 feet northerly therefrom	Anytime"

3. In all other respects By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed unchanged.

4. This By-law shall come into force and take effect on the day of its passing and enactment.

PASSED this 13th day of October A.D. 1998.

CITY CLERK

MAYOR

Bill No. A-73

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 250

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 34 (Sticker Permit Parking)** of By-law 89-72, as amended, is hereby amended by adding thereto the following item, namely:-

"Bond Street South	West	commencing at a point 25 feet north of Marion Avenue and extending to a point 22 feet northerly therefrom	Anytime
Bond Street South	East	commencing at a point 63 feet north of Marion Avenue and extending to a point 22 feet northerly therefrom	Anytime"

2. In all other respects By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the day of its passing and enactment.

PASSED this 13th day of October A.D. 1998.

CITY CLERK

MAYOR

Bill No. A-73

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 250

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 34 (Sticker Permit Parking)** of By-law 89-72, as amended, is hereby amended by adding thereto the following item, namely:-

"Bond Street South	West	commencing at a point 25 feet north of Marion Avenue and extending to a point 22 feet northerly therefrom	Anytime
Bond Street South	East	commencing at a point 63 feet north of Marion Avenue and extending to a point 22 feet northerly therefrom	Anytime"

2. In all other respects By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the day of its passing and enactment.

PASSED this 13th day of October A.D. 1998.

CITY CLERK

MAYOR

Bill No. **B-1**

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO 98- 251

TO AMEND

By-law No. 95-126

THE PARKS BY-LAW

WHEREAS the Council of the Corporation of the City of Hamilton believes it is desirous to amend By-Law 95-126;

AND WHEREAS Council, on October 13, 1998, in adopting Section 5 of the Tenth Report of the Parks and Recreation Committee authorized this By-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 36 of the Parks By-law 95-126, passed and enacted on the 30th day of May, 1995, is hereby amended by adding the following subsection:

   (3) For the purpose of this Section "guide dog" shall mean a hearing aid dog, a seeing eye dog, or a special needs dog".

2. Section 36 of the said By-Law is further amended by adding to subsection 2(a) thereof the following words, namely:

   "unless within a posted designated leash free area".

PASSED this 13th day of October 1998.

CITY CLERK

MAYOR

Bill No. C-111

The Corporation of the City of Hamilton

BY-LAW NO. 98- 252

To Designate An Improvement Area

GENERALLY COMPRISED OF LANDS BETWEEN CAROLINE STREET AND QUEEN STREET, KNOWN AS THE KING STREET WEST BUSINESS IMPROVEMENT AREA

WHEREAS subsection 1 of section 220 of the Municipal Act, R.S.O. 1990, Chapter M.45, provides that the council may pass by-laws designating an area as an improvement area;

AND WHEREAS the Council of The Corporation of the City of Hamilton has declared that no objections have been received in response to a notice of intention to pass a by-law designating the improvement area more particularly described in Schedule "A" hereto annexed and shown on Schedule "B" hereto annexed;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Item 14 of the 13th Report of the Planning and Development Committee at its meeting held on the 30th day of June 1998 authorized the preparation of a by-law designating the said area in accordance with subsection 1 of section 220 of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The area more particularly described in Schedule "A" and shown on Schedule "B" is hereby designated as an improvement area.

PASSED this 13th day of October A.D. 1998

CITY CLERK

MAYOR

(1998) 13 R.P.D.C. 14, June 30

SCHEDULE "A"

To By-law No. 98-252

Description of King Street West
Business Improvement Area

All of Lots 1 to 4, part of Lot 5 fronting on north side of King Street between Hess and Queen Streets, Registered Plan 121; Part of Lots 1 to 24, Registered Plan 179; Part of Lot 8, fronting fon north side of King Street and west of Caroline Street, Registered Plan 121; All of Lots 1,2,7,8,9,10,11 and part of Lots 3,4,5 and 6 fronting on south side of King Street between Queen and Caroline Streets, Registered Plan 121 and Part of Lot 1, fronting on Queen Street between King and Main Streets, Registered Plan 121. Described as follows:

Commenceing at the south west corner of Lot 1 fronting on the north side of King Street Registered Plan 121, being the north limit of King Street intersects the east limit of Queen Street.

Thence northerly along the east limit of Queen Street being the west limit of said Lot 1 to the north west corner thereof.

Thence easterly along the north limit of said Lot 1, Lots 2, 3 and 4 to the north east corner of Lot 4.

Thence southerly along the limit between said Lot 4 and Lot 5 a distance of sixty-three (63') feet to a point.

Thence easterly parallel with the north limit said Lot 5 to the easterly limit of said Lot 5, being the west limit of Hess Street.

Thence easterly parallel with the north limit of King Street crossing Hess Street, Lots 1 to 24, Registered Plan 179 and Lot 8, Registered Plan 121 to the east limit of said Lot 8, being the west limit of Caroline Street.

Thence southerly along the west limt of Caroline Street to the south east corner of Lot 11 fronting on south side of King Street, Registered Plan 121.

Thence westerly along the south limit of said Lot 11 and Lots 10, 9, 8 and 7 to the south west corner of said Lot 7.

Thence northerly along the west limit of said Lot 7, being the east limit of Lot 6 to a point distant sixty-one point one three (61.13') feet to a point.

Thence easterly to a point in the west limit of said Lot 6, being the east limit of Hess Street distant seventy-nine point five (79.5') feet south of King Street.

Thence westerly to a point in the west limit of Hess Street, being the east limit of Lot 5, fronting on south side of King Street Registered Plan 121, a distance of seventy-five (75') feet south of King Street.

Thence westerly parallel with the south limit of King Street to the division line between Lots 3 and 2, fronting on south side of King Street, Registered Plan 121.

Thence southerly along the east limit of said Lot 2 to the south east corner of the All Saints Church property.

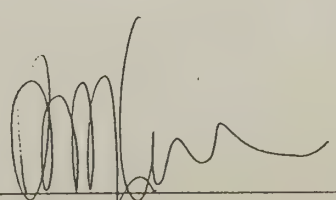
Thence westerly to a point in the east limit of Queen Street distant one hundred and fifty-seven feet (157') south of King Street.

Thence northerly to the point of commencement.

City of Hamilton.

Regional Municipality of Hamilton-Wentworth.

September 24, 1998

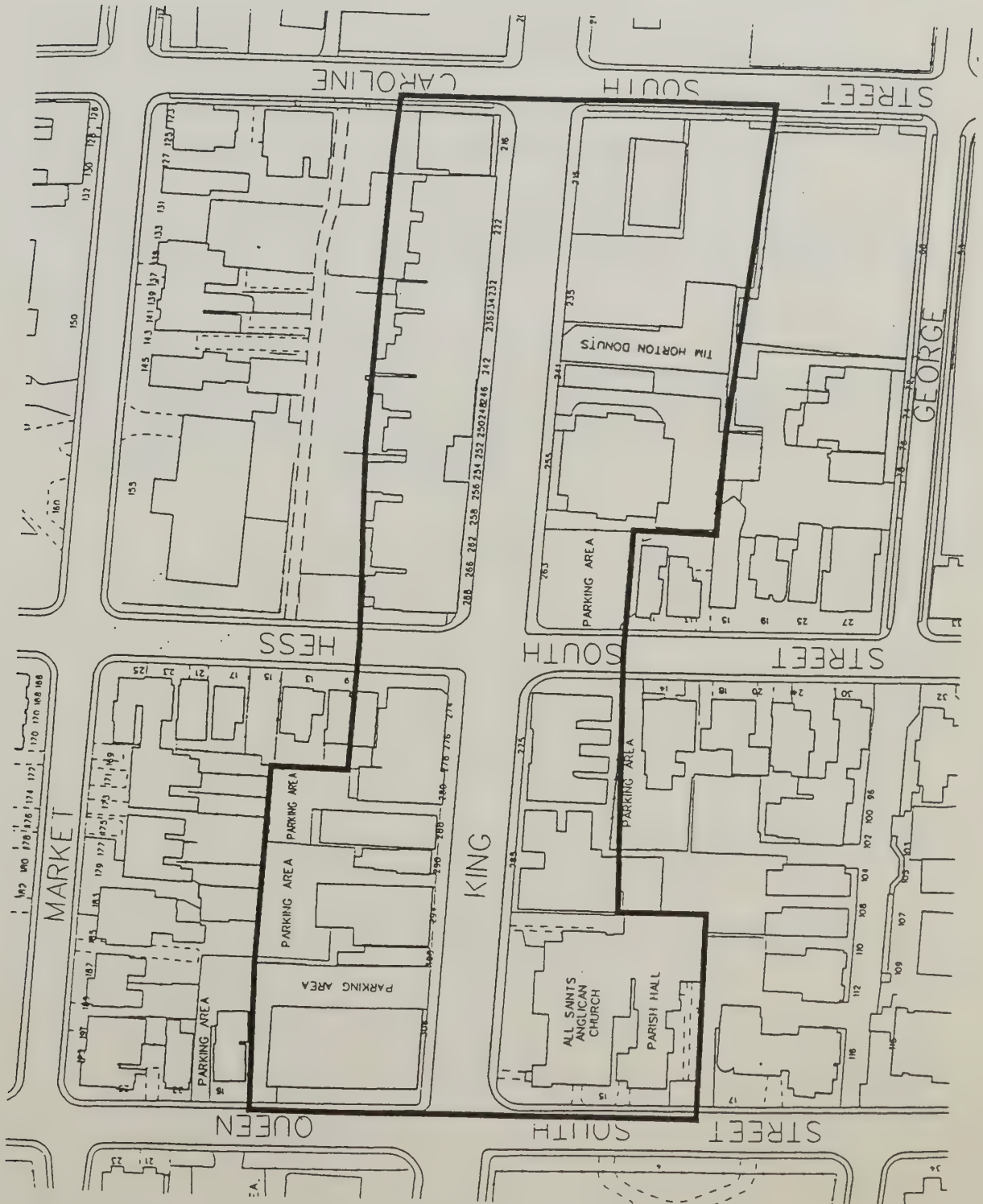


Kin M. Lau
Ontario Land Surveyor

SCHEDULE "B"

To By-law No. 98-252

King Street West Business Improvement Area



KING ST. W. BUSINESS I

Bill No. C-112

The Corporation of the City of Hamilton

BY-LAW NO. 98-253

To Amend:

Zoning By-law No. 6593
and To Repeal Zoning By-law No. 97-073

Respecting:

PROHIBITED USE - CHARITY CASINO (CHARITY GAMING CLUB)

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 1 of the 6th Report of the Planning and Development Committee at its meeting held on the 8th day of April 1997, recommended that By-law No. 6593 be amended to provide for a general text amendment to the said by-law to define "charity gaming club", "table games" and "video lottery terminals (VLT)" and to define the Areas within which the said uses may be permitted, as hereinafter provided;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 97-073 on the 29th day of April 1997, to amend Zoning By-law No. 6593, which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 4 of the 15th Report of the Planning and Development Committee at its meeting held on the 29th day of September 1998, recommended that Zoning By-law No. 6593, as amended by By-law No. 97-073, be amended as hereinafter provided, and that By-law No. 97-073 be repealed in its entirety;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 97-073, passed on the 29th day of April 1997, is hereby repealed in its entirety.

2. Section 4 - Prohibited Uses of Zoning By-law No. 6593 is amended by adding a new clause as follows:

> "(7) The use of a Charity Casino (Charity Gaming Club) which means any premises or parts thereof, containing table games and/or video lottery terminal and/or slot machines or any other such game or device approved by the Alcohol and Gaming Commission of Ontario is hereby prohibited."

3. In all other respects, By-law No. 6593, as amended, is hereby confirmed, unchanged.

4. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 13th day of October A.D. 1998

CITY CLERK

MAYOR

(1998) 15 R.P.D.C. 4, September 29
City Initiative 96-G

Bill No. C-113

The Corporation of the City of Hamilton

BY-LAW NO. 98- 254

To Amend Zoning By-law No. 6593

And To Repeal Zoning By-law No. 98-228

Respecting:

LAND LOCATED AT THE REAR OF MUNICIPAL NOS. 1289-1317 UPPER JAMES STREET

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July, 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 98-228 on the 8th day of September, 1998, to establish special requirements under Section 9A of Zoning By-law No. 6593, for the "R-4" District, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS Notice of the said By-law was inadvertently not circulated prior to the enactment of By-law No. 98-228 as required by the Planning Act;

AND WHEREAS it is therefore expedient to repeal the said By-law No. 98-228.

AND WHEREAS Notice of the proposed rezoning set out in the herein by-law, has been circulated as required by the Planning Act;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 98-228, passed on the 8th day of September, 1998, is hereby repealed in its entirety.

2. Sheet No. E-9C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District, the lands comprised in Blocks "1" and "4"; and,

(b) by changing from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District, modified, the lands comprised in Blocks "2" and "3",

the extent and boundaries of each of which Blocks "1", "2", "3" and "4" are shown on a plan hereto annexed as Schedule "A".

3. The "R-4" (Small Lot Single Family Dwelling) District provisions, as contained in Section 9A of Zoning By-law No. 6593, applicable to the lands comprised in Block "2" referred to in section 1.(b), are amended to the extent only of the special requirements that,

(a) notwithstanding Section 9A.(2)(b)1.(iv) of Zoning By-law No. 6593, a rear yard having a depth of not less than 6.0 metres shall be provided and maintained; and,

(b) notwithstanding Section 9A.(2)(c) of Zoning By-law No. 6593, a minimum lot width of 10.5 metres and a minimum lot area of 306 square metres shall be provided and maintained.

4. The "R-4" (Small Lot Single Family Dwelling) District provisions, as contained in Section 9A of Zoning By-law No. 6593, applicable to the lands comprised in Block "3" referred to in section 2.(b), are amended to the extent only of the special requirements that,

(a) notwithstanding Section 9A.(2)(b)1.(iv) of Zoning By-law No. 6593, a rear yard having a depth of not less than 6.0 metres shall be provided and maintained; and,

(b) notwithstanding Section 9A.(2)(c) of Zoning By-law No. 6593, a minimum lot width of 11.0 metres and a minimum lot area of 313 square metres shall be provided and maintained.

5. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "R-4" District provisions, subject to the special requirements referred to in sections 3 and 4.

6. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1411.

7. Sheet No. E-9C of the District Maps is amended by marking the lands referred to in section 2.(b) of this by-law, S-1411.

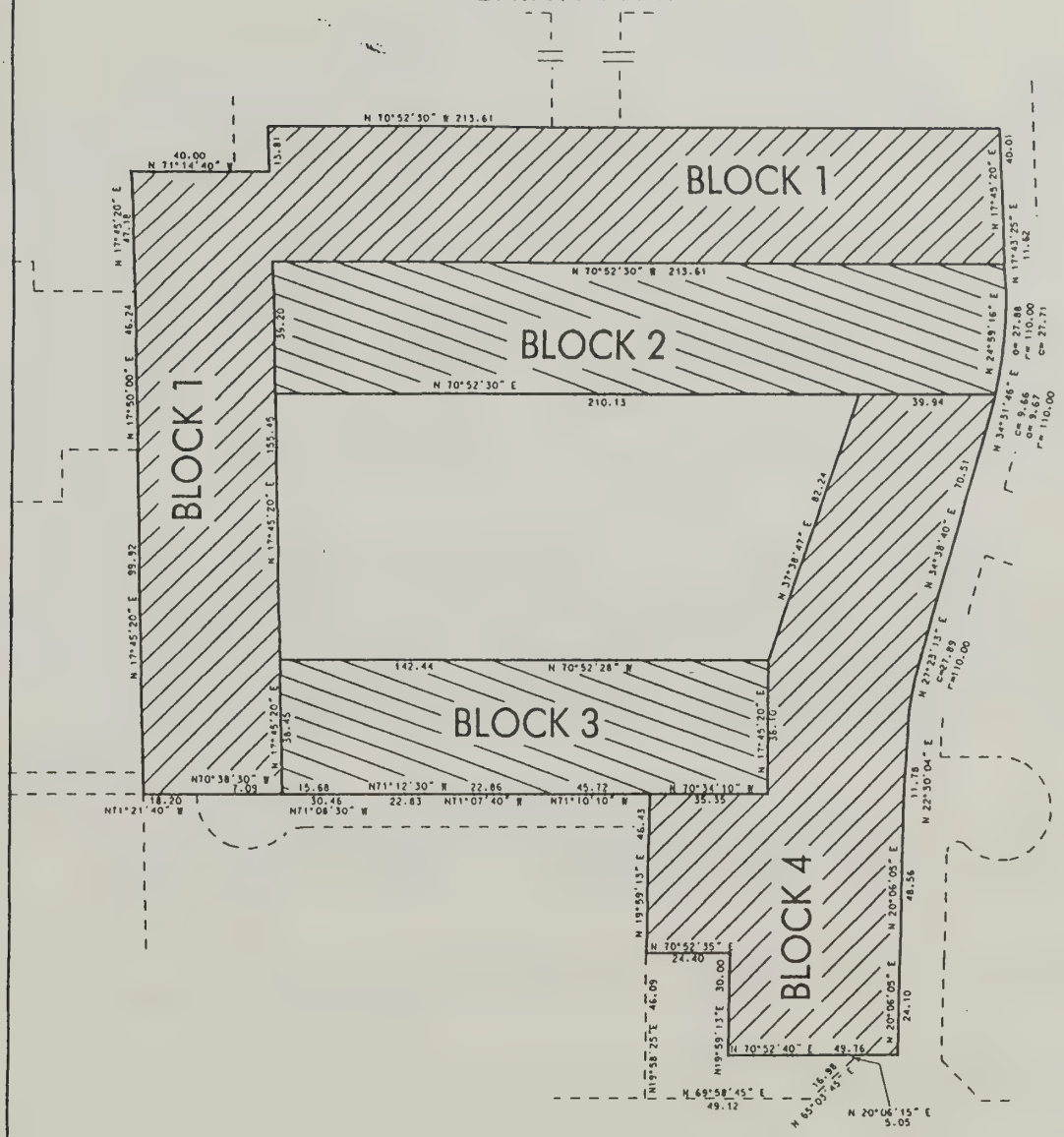
8. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 13th day of October A.D. 1998

CITY CLERK

MAYOR

(1998) 14 R.P.D.C. 3, August 5
Hampshire Properties Limited, Owner
Amended ZAC-98-20



NOTE: All dimensions are in metres

This is Schedule "A" to By–Law No. 98–254
Passed the 13th day of October, 1998.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of By–Law No. 98–254

to Amend By–Law No. 6593

Planning and Development Department

Legend

Change in zoning from

BLOCK 1 and 4 — "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District.

BLOCK 2 and 3 — "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District, modified.

North	Scale	Reference File No.
	NOT TO SCALE	ZAC–98–20
	Date	Drawn By
	September, 1998	J.Sims

Bill No. C-114

The Corporation of the City of Hamilton

BY-LAW NO. 98- 255

To Amend:

Zoning By-law No. 6593
As Amended By Zoning By-law No. 96-139
Respecting:

LANDS LOCATED AT MUNICIPAL NO. 18 HOMEWOOD AVENUE

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 96-139 on the 27th day of August, 1996 to rezone the the subject lands from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "D" - 'H'(Urban Protected Residential - One and Two Family Dwellings, etc - Holding) District modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", which By-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS Section 3 of By-law No. 96-139 provides that upon the applicant/owner applying for and receiving approval for a Site Plan Control Application for the required parking layout, grading, and landscaping of the subject lands, the 'H' symbol shall be removed by amendment to By-law No. 96-139;

AND WHEREAS approval of a Site Plan Control Application for the required parking layout, grading, and landscaping has been completed.

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

AND WHEREAS City Council in adopting Item 55 of the Committee of the Whole at its meeting held on the 8th day of September, 1998 directed that By-law No. 96-139 be amended to remove the 'H' (Holding) symbol in respect of the subject lands;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 96-139, passed on the 27th day of August, 1996, to the "D" - 'H'(Urban Protected Residential - One and Two Family Dwellings, etc - Holding) District, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" to By-law No. 96-139 and forming part thereof is hereby removed, and the development of the lands may proceed in accordance with the "D" (Urban Protected Residential - One and Two Family Dwellings, etc - Holding) District provisions of Zoning By-law No. 6593, subject to the special requirements referred to in section 2. of By-law No. 96-139.

2. Sheet No. W-14 of the District Maps, appended to and forming part of Zoning By-law No. 6593, as amended by section 1. of By-law No. 96-139, are further amended by changing from "D" - 'H' (Urban Protected Residential - One and Two Family Dwellings, etc.) District modified to "D" (Urban Protected Residential - One and Two Family Dwellings, etc) District modified, the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this By-law.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "D" District provisions, subject to the special requirements referred to in section 2. of By-law No. 96-139.

4. By-law No. 6593, as amended by By-law No. 96-1391, is further amended by adding this by-law to section 19B as Schedule S-1362a.

5. Sheet No. W-14 of the District Maps, as amended by By-law No. 96-139, are amended by marking the lands referred to in section 1. of this by-law, S-1362a.

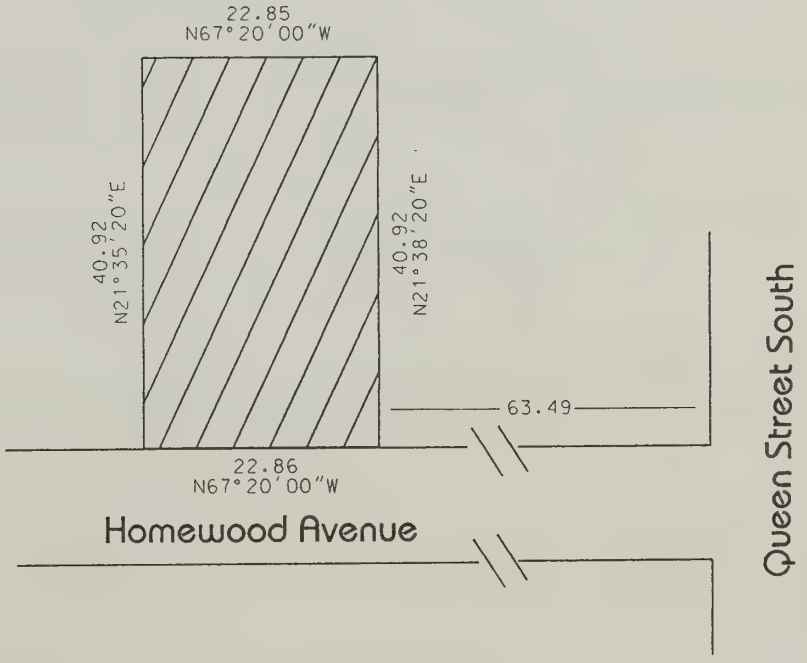
6. In all other respects, By-law No. 96-139 is hereby confirmed, unchanged.

PASSED this 13th day of October A.D. 1998.

CITY CLERK

MAYOR

(1998) 55 C.O.W., September 8
George Lima, owner
ZAR-98-31



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-255
Passed the 13th day of October, 1998.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 98-255
to Amend By-Law No. 6593

Planning and Development Department

Legend

BLOCK 1 — From "D" - 'H' (Urban Protected Residential - one and two family dwellings, etc - Holding District to "D" (Urban Protected Residential - one and two family dwelling, etc) District

North	Scale	Reference File No.
	NOT TO SCALE	ZAR-98-31
	Date	Drawn By
	August, 1998	J.Sims

Bill No. C-115

The Corporation of the City of Hamilton

BY-LAW NO. 98-256

To Amend:

Zoning By-law No. 6593
as Amended by By-law No. 98-242

Respecting:

LAND LOCATED AT MUNICIPAL NO. 649 UPPER JAMES STREET

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Bard by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 98-242 on the 29th day of September 1998 to amend Zoning By-law No. 6593, as provided for therein, in respect of the above-captioned lands;

AND WHEREAS an incorrect Schedule was inadvertently attached as Schedule "A" to By-law No. 98-242, therefore it is expedient to replace it with the Schedule "A" annexed hereto and forming part of this by-law.

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "A" to By-law No. 98-242 is hereby deleted and Schedule "A" annexed hereto and forming part of this by-law is substituted therefor.

2. In all other respects, By-law No. 98-242 is hereby confirmed, unchanged.

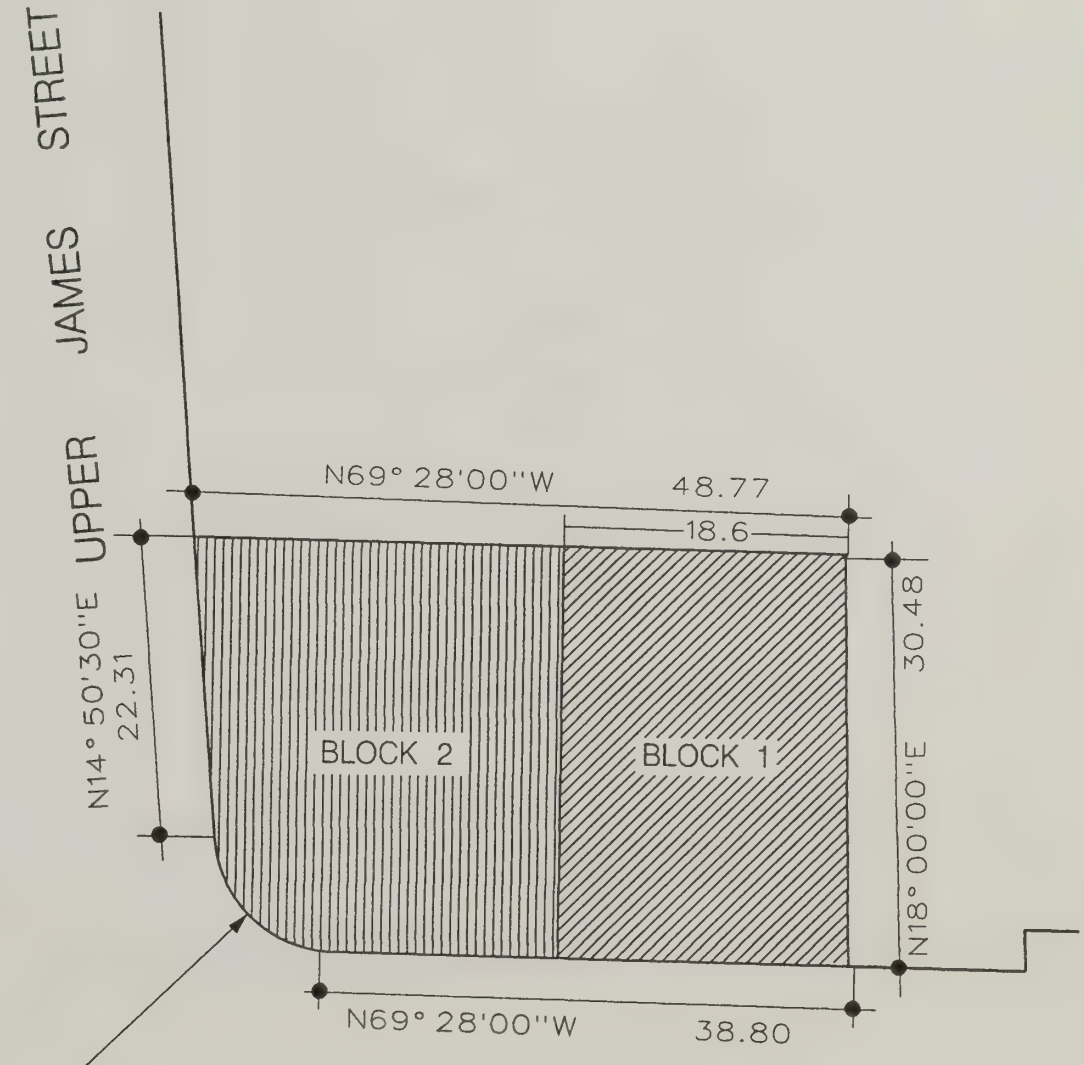
3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of By-law No. 98-242, as amended herein, in accordance with the Planning Act.

PASSED this 13th day of October A.D. 1998.

CITY CLERK

MAYOR

(1998) 14 R.P.D.C. 1, August 5
1135193 Ontario Inc.
(Hussein Ghaddar), Prospective Owner
Amended ZAC-98-02



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-256
Passed the ....13th.... day of October...., 1998.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 98- 256

to Amend By-Law No. 6593

Planning and Development Department

Change in Zoning from:

BLOCK 1 — "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H"-'H' (Community Shopping and Commercial, etc.- Holding) District.

BLOCK 2 — "H" (Community Shopping and Commercial, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-02
	Date	Drawn By
	October, 1998	B. B./J.Sims

Bill No. C-116

The Corporation of the City of Hamilton

BY-LAW NO. 98-257

To Adopt:

Official Plan Amendment No. 153

Respecting:

LANDS LOCATED AT 27 DUNDURN STREET NORTH WITHIN THE STRATHCONA NEIGHBOURHOOD

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 153 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this 13th day of October A.D. 1998

CITY CLERK

MAYOR

(1998) 15 R.P.D.C.1, September 29
Hugh Macleod, Owner
ZAC-98-18/27 Dundurn St. N.

Amendment No. 153

to the

City of Hamilton Official Plan

The following text, together with Schedule "B", attached hereto, constitutes Official Plan Amendment No. 153.

Purpose:

The purpose of this Amendment is to establish "Special Policy Area 78" for 27 Dundurn Street North, to permit limited commercial uses within the "Residential" designation.

Location:

The lands affected by this Amendment are known municipally as 27 Dundurn Street North, within the Strathcona Neighbourhood.

Basis:

The basis for permitting only limited commercial uses within the existing building is as follows:

1) The proposed use would allow for adaptive reuse of the existing building, which is listed on the City's inventory of architecturally and/or historically significant buildings; and,

2) The subject lands are located on an arterial roadway.

Actual Change:

1) Schedule "B" - Special Policy Areas be revised by adding the subject lands as Special Policy Area 78, as shown on the attached Schedule "B" of this Amendment; and,

2) The following new policy be added to Subsection A.2.9.3 - Other Policy Areas as Policy A.2.9.3.73:

"In addition to the permitted uses set out in Subsection A.2.1 - Residential Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 78, and located at 27 Dundurn Street North, limited commercial uses will be permitted within the existing building."

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 98- 257 , passed on the 13th day of October , 1998.

The Corporation of the

City of Hamilton

City Clerk

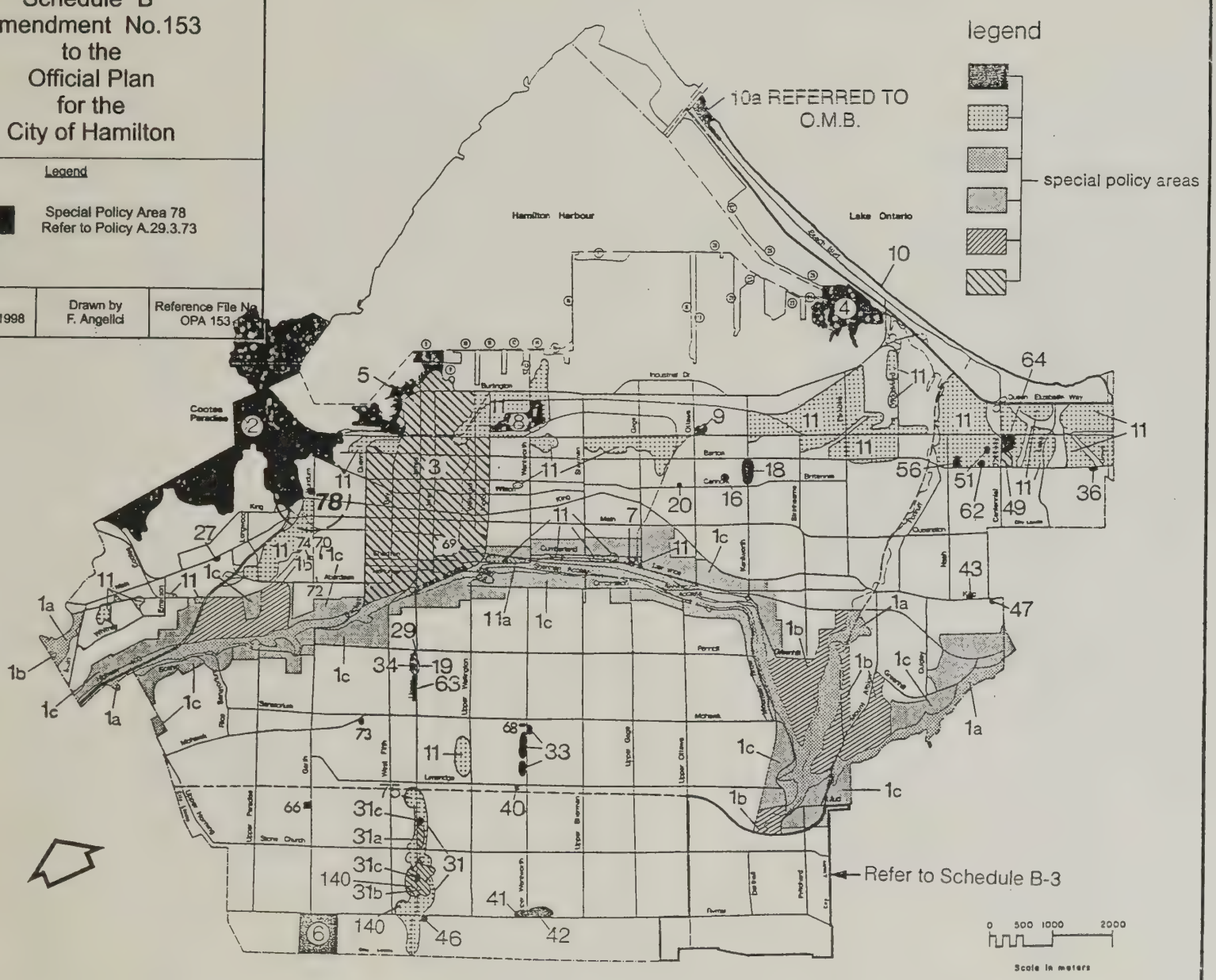
Mayor

Schedule "B" Amendment No.153 to the Official Plan for the City of Hamilton

Legend

Special Policy Area 78
Refer to Policy A.29.3.73

Date	Drawn by	Reference File No.
September 1998	F. Angelici	OPA 153



special policy areas

AREA	REFER TO POLICY	AREA	REFER TO POLICY
1(a)	A.2.9.1.	53	"Deleted"
1(b)	A.2.9.1.	54	"Deleted"
1(c)	A.2.9.1.	55	A.2.9.3.50.
2	A.2.9.2.	56	A.2.9.3.51.
3	A.2.9.3.	62	A.2.9.3.57.
	A.2.9.3.1.	63	A.2.9.3.58.
4	A.2.9.3.2.	64	A.2.9.3.59.
5	A.2.9.3.3.	65	A.2.9.3.60.
6	A.2.9.3.4.	66	A.2.9.3.61.
7	A.2.9.3.5.	67	A.2.9.3.62.
8	A.2.9.3.6.	68	A.2.9.3.63.
9	A.2.9.3.7.	69	A.2.9.3.64.
10	A.2.9.3.8.	70	A.2.9.3.65.
11	A.2.9.3.9.	71	A.2.9.3.66.
11(a)	A.2.9.3.9.	72	A.2.9.3.67.
16	A.2.9.3.14.	73	1.2.9.3.68.
17	"Deleted"	74	A.2.9.2.69.
18	A.2.9.3.16.		
19	A.2.9.3.17.		
20	A.2.9.3.18.		
26	A.2.9.3.21.		
27	A.2.9.3.22.		
29	A.2.9.3.24.		
30	A...9.3.25.		
31	A.2.9.3.26.		
31(a)	A.2.9.3.26.		
31(b)	A.2.9.3.26.		
31(c)	A.2.9.3.26.		
32	A.2.9.3.27.		
33	A.2.9.3.28.		
34	A.2.9.3.29.		
35	A.2.9.3.30.		
36	A.2.9.3.31.		
37	A.2.9.3.32.		
38	"Deleted"		
40	A.2.9.3.35.		
41	A.2.9.3.36.		
42	A.2.9.3.37.		
43	A.2.9.3.38.		
45	A.2.9.3.40.		
46	A.2.9.3.41.		
47	A.2.9.3.42.		
48	"Deleted"		
49	A.2.9.3.44.		
50	A.2.9.3.45.		
51	A.2.9.3.46.		

For other Special Policy Areas numbers, refer to Schedules: B-1, B-2, and B-3.

schedule B

to the official plan
for
the city of Hamilton

98 01 28

Bill No. C- 117

The Corporation of the City of Hamilton

BY-LAW NO. 98- 258

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 27 DUNDURN STREET NORTH

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 153, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-22 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "**D**" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "**D**" - '**H**' (Urban Protected Residential - One and Two Family Dwellings, etc. - Holding) District, the land,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. (a) The 'H' symbol applicable to the land referred to in section 1 shall be removed conditional upon the following:

(i) The applicant submitting a signed Record of Site Condition (RSC) to the Region and Minsitry of Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the Ministry of Environment; and,

(ii) The applicant/owner applying for and receiving approval of a Site Plan Control Application from the City of Hamilton.

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1 may at such time proceed in accordance with the "D" District provisions, subject to the special requirements contained in section 3 of this by-law.

3. The "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District provisions, as contained in Section 10 of Zoning By-law No. 6593, applicable to the land referred to in section 1, are amended to the extent only of the special requirements that,

(a) notwithstanding Section 10.(1) of Zoning By-law No. 6593, the following uses shall be permitted only within the building, existing on the day of passing of this By-law:

(i) a sixty (60) seat live theatre; and,

(ii) a twenty-four (24) seat "unlicensed" restaurant; and,

(iii) one (1) dwelling unit; and,

(iv) for each establishment a "business identification sign" that is a wall sign and/or window sign of an area of not more than 2.5 square metres (26.91 square feet), no sign shall exceed 2.0 metres (6.0 feet) in height and every sign shall be so designed, installed and maintained as to ensure that the illumination is deflected away from all lands designated for residential uses; and,

(b) notwithstanding Section 18A of Zoning By-law No. 6593, a minimum of seven (7) parking spaces shall be provided and maintained; and,

(c) notwithstanding Section 18A.(11) and (12) of Zoning By-law No. 6593, a planting strip not less than 1.5 metres wide shall be provided and maintained along the entire westerly rear lot line and a visual barrier not less than 1.8 metres and not greater than 2.0 metres in height shall be provided and maintained along the entire westerly rear lot line, except for the first 5.0 metres from Hunt Street; and,

(d) notwithstanding Section 18A.(11) and (12) of Zoning By-law No. 6593, a planting strip not less than 1.0 metres wide shall be provided and maintained along the entire easterly side lot line and a visual barrier not less than 1.8 metres and not greater than 2.0 metres in height shall be provided and maintained along the easterly side lot line, except for the first 5.0 metres from Hunt Street; and,

(e) a landscape area not less than 6.0 metres in depth shall be provided and maintained along Hunt Street, except for any area used for an access driveway; and,

(f) every lighting facility shall be so designed, installed and maintained as to ensure that the light is deflected away from all lands designated for residential uses, and any lighting of signs shall similarly be so deflected.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "D" District provisions, subject to the special requirements referred to in section 3.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1412.

6. Sheet No. W-22 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1412.

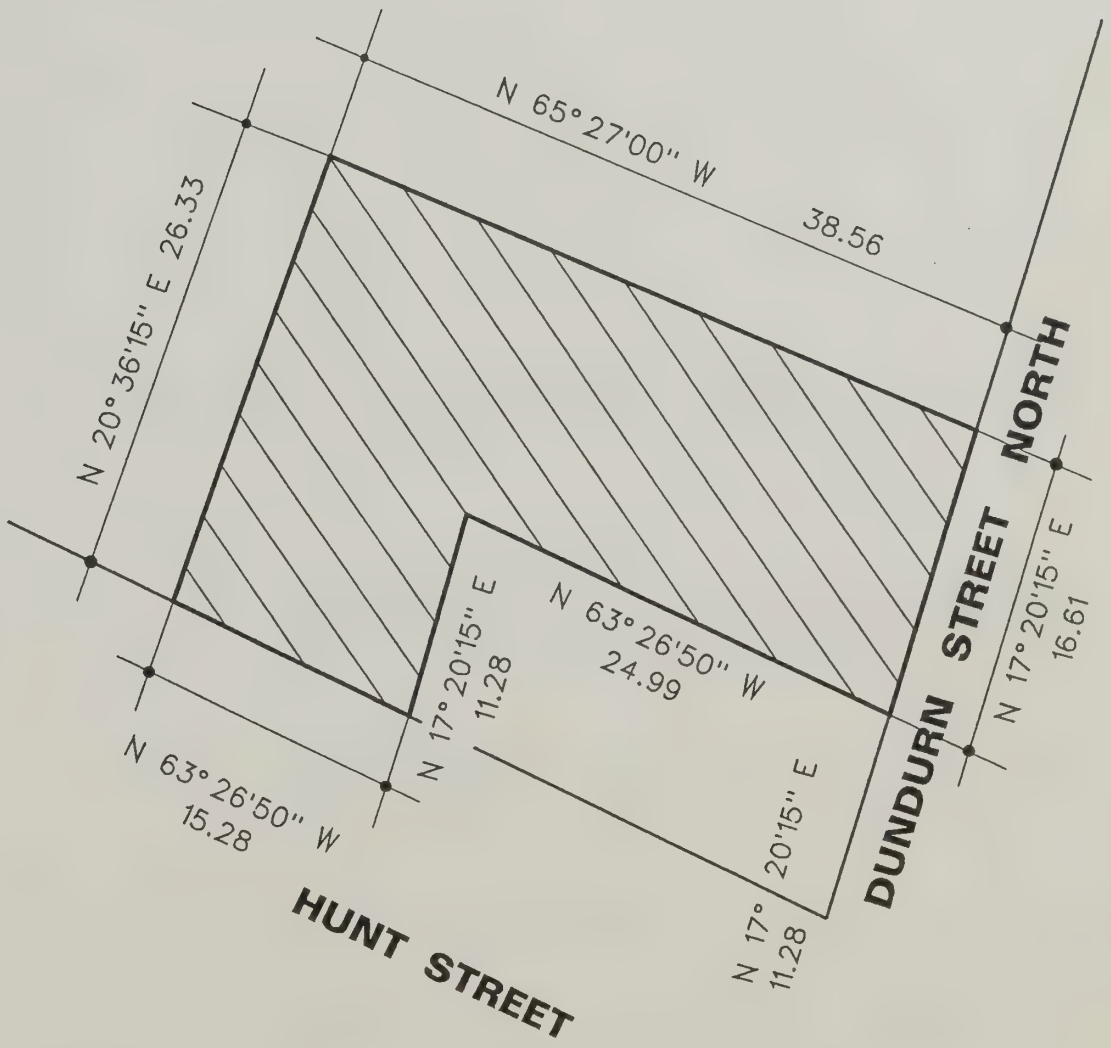
7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 13th day of October A.D. 1998

CITY CLERK

MAYOR

(1998) 15 R.P.D.C. 1, September 29
Hugh Macleod, Owner
Amended ZAC-98-18



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98- 258
Passed the 13th day of October, 1998.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 98- 258

to Amend By-Law No. 6593

Planning and Development Department

Legend

Modification in Zoning:

"D" (Urban Protected Residential–One and Two Family Dwellings, etc.) District modified

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-18
	Date	**Drawn By**
	September 1998	B. B.

Bill No. C-118

The Corporation of the City of Hamilton

BY-LAW NO. 98— 259

To Extend By-law No. 98-19

Respecting:

Land within the "Wisemount Estates - Phase 8" Subdivision, Plan 62M-826 from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

AND WHEREAS the Council of the Corporation of the City of Hamilton enacted By-law No. 98-19 on December 11, 1997 to remove the lands desribed in section 1 thereof from part lot control, which expires on December 31, 1998,

AND WHEREAS a request has been made for an extension of the time period specified for the expiration of By-law No. 98-19, as it relates to Lots 2 - 4, inclusive, Lots 7 - 11, inclusive, Lots 13 - 16, inclusive and Lots 27 - 29, inclusive, Registered Plan 62M-826 only;

AND WHEREAS approval under subsection (7.1) of the Planning Act is not required for an extension in accordance with Subsection (7.4) of the Planning Act;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 2.(c) of By-law No. 98-19 is hereby repealed and the following substituted therefor:

"(c) Other than Lots 2 - 4, inclusive, Lots 7 - 11, inclusive, Lots 13 - 16, inclusive and Lots 27 - 29, inclusive, this By-law shall no longer be of any force and effect. As it relates to Lots 2 - 4, inclusive, Lots 7 - 11, inclusive, Lots 13 - 16, inclusive and Lots 27 - 29, inclusive, this By-law expires on January 1, 2000."

2. Section 1. of By-law No. 98-19 is hereby repealed and the following substituted therefor:

"Subsection 5 of Section 50 of the Planning Act, shall not apply, for the purposes of creating maintenance easements only, to the following lands:

Lots 2 - 4, inclusive, Lots 7 - 11, inclusive, Lots 13 - 16, inclusive and Lots 27 - 29, inclusive, within Registered Plan Number 62M-826, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth."

3. In all other respects, By-law No. 98-19 is hereby confirmed, unchanged.

4. Where this by-law has been enacted it shall be registered on title to the land described in section 1 of By-law No. 98-19.

PASSED this 13th day of October A.D. 1998.

CITY CLERK

MAYOR

(1998) _ R.P.D.C. _, October 7
822827 Ontario Inc., Owner
PLC-97-04

CERTIFIED A TRUE COPY

ACTING CITY CLERK

Bill No. C-119

The Corporation of the City of Hamilton

BY-LAW NO. 98- 260

To Adopt:

Official Plan Amendment No. 150

Respecting:

LANDS LOCATED AT 852 UPPER WENTWORTH STREET WITHIN THE BRULEVILLE NEIGHBOURHOOD

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 150 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this 13th day of October A.D. 1998

CITY CLERK

MAYOR

(1998) 11 R.P.D.C. 8A, May 26
Nicola and Rosalba Clarizio, Owners
ZAR-97-33/852 Upper Wentworth Street

Amendment No. 150

to the

City of Hamilton Official Plan

The following text constitutes Official Plan Amendment No. 150.

Purpose:

The purpose of this Amendment is to modify "Special Policy Area 68" for 852 Upper Wentworth Street, to permit only limited commercial uses within the existing building, located within the "Residential" designation.

Location:

The lands affected by this Amendment are known municipally as 852 Upper Wentworth Street, within the Bruleville Neighbourhood.

Basis:

The basis for permitting only limited commercial uses within the existing building is as follows:

1) The subject lands are located on a major arterial roadway;

2) The proposed uses recognize the existing commercial uses within the building, which are proposed to be expanded further. This is acceptable, as long as the types of commercial uses are limited, and the existing building is retained; and,

3) The proposed limited commercial development would be compatible with existing development in the surrounding area, which includes medical and dental offices, apartments and commercial. In addition, the lands to the north are designated "Commercial/Residential Conversion".

Actual Change:

1) The following revision be made to Subsection A.2.9.3 - Other Policy Areas, within Policy A.2.9.3.63:

- Delete the words "general offices and home improvements uses will be permitted";

- Replace the words "only limited commercial uses within the existing building will be permitted".

As a result, the revised Policy A.2.9.3.63 will read as follows:

"In addition to the permitted uses set out in Subsection A.2.1 - Residential Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 68, and located at 852 Upper Wentworth Street, only limited commercial uses within the existing building will be permitted."

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 98- 260 , passed on the 13th day of October , 1998.

The Corporation of the

City of Hamilton

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 98- 261

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-laws No. 95-111 and 97-153

Respecting:

LANDS LOCATED AT MUNICIPAL NO. 852 UPPER WENTWORTH STREET

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 95-111 on the 9th day of May 1995 to change the zoning and to establish a special requirements under Section 19B of Zoning By-law No. 6593, for the "C" District, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 97-153 on the 8th day of July 1997 to remove the holding symbol imposed on the "C" District zoning by By-law No. 95-111, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 8 of the 11th Report of the Planning and Development Committee at its meeting held on the 26th day of May 1998, recommended that Zoning By-law No. 6593, as amended by By-laws No. 95-111 and 97-153, be further amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 150, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (1) Paragraphs (i) and (ii) of Section 2.(a) of By-law No. 95-111 are hereby repealed and the following substituted therefor:

> "(i) general offices and a kitchen cabinet showroom on the first and second floor and having a maximum total gross floor area of not more than 288 m^2 (3100 square feet); and,".

(2) Paragraph (iii) of Section 2.(a) of By-law No. 95-111 is hereby renumbered as paragraph (ii).

(3) Section 2. of By-law No. 95-111 is hereby amended by adding the following clause thereto:

"(d) access to the subject lands shall only be provided from Upper Wentworth Street.".

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions, subject to the special requirements referred to in section 2 of By-law No. 95-111, as amended by By-law No. 97-153, and section 1 of this by-law.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1336b.

4. Sheet No. E-18 of the District Maps is amended by marking the lands referred to in section 2 of By-law No. 95-111, as amended by By-law No. 97-153, and further amended by section 1 of this by-law, S-1336b.

5. In all other respects, By-law No. 95-111, as amended by By-law No. 97-153, is hereby confirmed, unchanged.

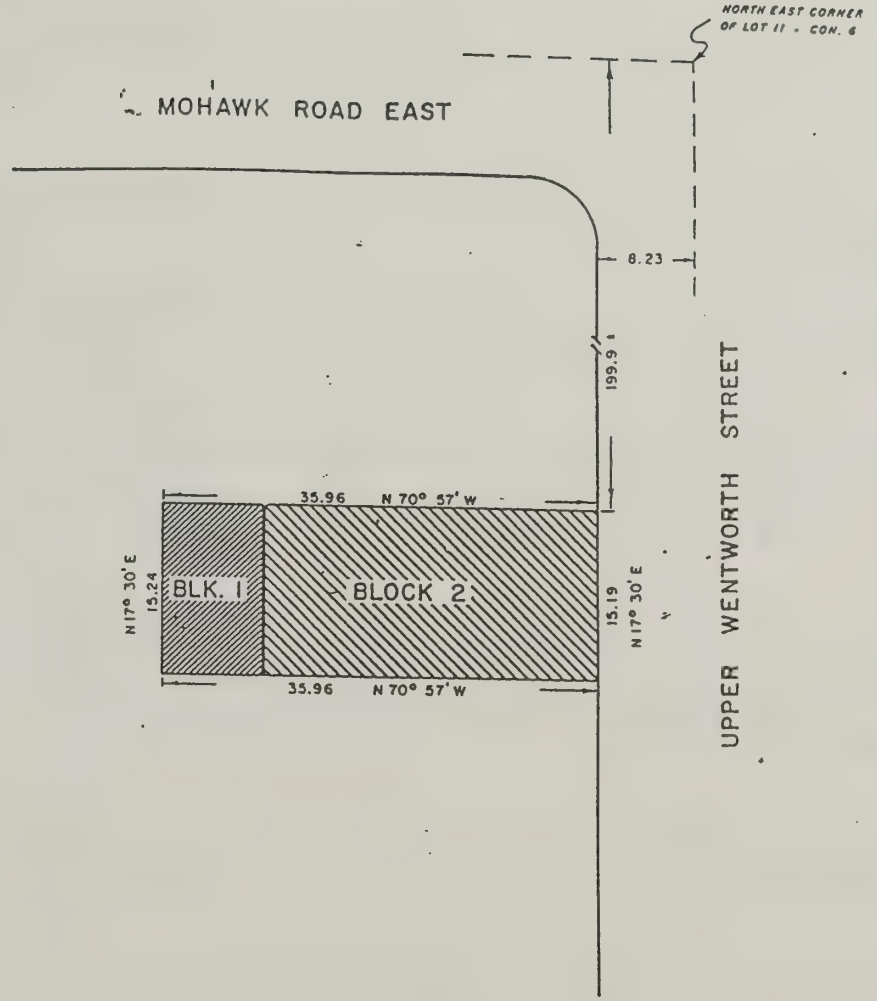
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 13th day of October A.D. 1998

CITY CLERK

MAYOR

(1998) 11 R.P.D.C. 8, May 26
Nicola and Rosalba Clarizio, Owners
ZAR-97-33



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-261
Passed the 13th day of October, 1998.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 98- 261

to Amend By-Law No. 6593

Planning and Development Department

Change in Zoning from:

BLOCK 1

BLOCK 2

Further modification to the "C" (Urban Protected Residential, etc) District

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-97-33
	Date	Drawn By
	October, 1998	J.Sims

Bill No. D-51

BY-LAW NO. 98 - 262

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 13th DAY OF OCTOBER, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 13th day of October 1998

CITY CLERK

MAYOR

Bill No. C-121

The Corporation of the City of Hamilton

BY-LAW NO. 98- 263

To Amend:

Zoning By-law No. 6593
and to Repeal Zoning By-law Nos. 70-42, 98-242 and 98-256

Respecting:

LAND LOCATED AT MUNICIPAL NO. 649 UPPER JAMES STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 70-42 on the 10th day of February 1970 to change the zoning and establish a special requirement under Section 19B of Zoning By-law No. 6593, for the "H" District, in respect of the land located on the north side of Fennell Avenue in the area east of Upper James Street, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law was approved by the Ontario Municipal Board by Order dated the 14th day of April 1970, (File No. R 2090-70);

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 1 of the 14th Report of the Planning and Development Committee at its meeting held on the 5th day of August 1998, authorized that Zoning By-law No. 6593 be amended to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593 in respect of the above-captioned land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this by-law, and that By-law No. 70-42 be repealed in its entirety;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 98-242 on the 29th day of September 1998 to amend Zoning By-law No. 6593, as provided for therein, in respect of the above-captioned lands;

AND WHEREAS the said By-law No. 98-242 was amended by Council by By-law No. 98-256 enacted on October 13, 1998;

AND WHEREAS there was insufficient time, pursuant to the Planning Act, to circulate notice of By-law No. 98-242 as amended by By-law No. 98-256;

AND WHEREAS it is expedient therefore to repeal By-law Nos. 98-242 and 98-256 in their entirety and to amend Zoning By-law No. 6593 as hereinafter set out;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law Nos. 70-42, 98-242 and 98-256 are hereby repealed in their entirety and replaced by this By-law.

2. Sheet No. E-7 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "**E**" (Multiple Dwellings, Lodges, Clubs, etc.) District to "**H**" - '**H**' (Community Shopping and Commercial, etc. - Holding) District, modified, the lands comprised in Block "1"; and,

(b) by changing from "**H**" (Community Shopping and Commercial, etc.) District to "**H**" - '**H**' (Community Shopping and Commercial, etc. - Holding) District, modified, the lands comprised in Block "2",

the extent and boundaries of each of which Blocks "1" and "2" are shown on a plan hereto annexed as Schedule "A".

3. (a) The 'H' symbol applicable to the land referred to in section 1 shall be removed conditional upon the owner submitting a Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC from the MOE;

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1 may at such time proceed in accordance with the "H" District provisions, subject to the special requirements contained in section 3 of this by-law.

4. The "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to the land referred to in section 1, are amended to the extent only of the special requirements that,

(a) notwithstanding Section 14.(1) of Zoning By-law No. 6593, a restaurant will not be permitted;

(b) a minimum 1.5 metre wide planting strip shall be provided and maintained along the southerly lot line except for an access driveway;

(c) a minimum 3.0 metre wide planting strip shall be provided and maintained along the westerly lot line except for an access driveway.

5. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" District, subject to the special requirements referred to in section 4.

6. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1409.

7. Sheet No. E-7 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1409.

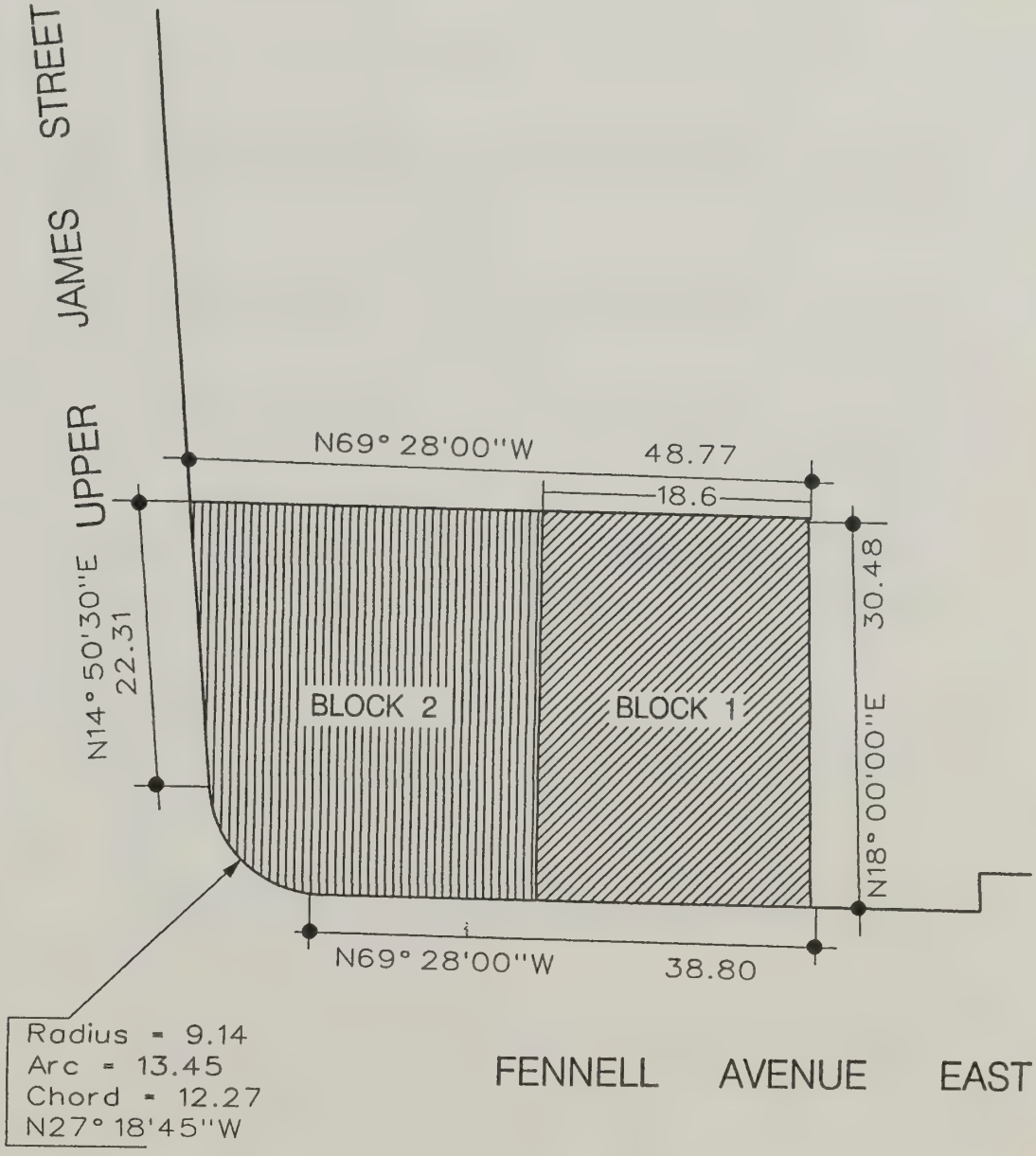
8. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 20th day of October A.D. 1998

Acting CITY CLERK

MAYOR

(1998) 14 R.P.D.C. 1, August 5
1135193 Ontario Inc.
(Hussein Ghaddar), Prospective Owner
Amended ZAC-98-02



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-263
Passed the 20th day of October, 1998.

Acting Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 98- 263

to Amend By-Law No. 6593

Planning and Development Department

Change in Zoning from:

BLOCK 1 — "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H"-'H' (Community Shopping and Commercial, etc.- Holding) District.

BLOCK 2 — "H" (Community Shopping and Commercial, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-02
	Date	Drawn By
	October, 1998	B. B./J.Sims

Bill No. D-52

BY-LAW NO. 98 - 264

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 20th DAY OF OCTOBER, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 20th day of October 1998

Acting CITY CLERK

MAYOR

Bill No. E-22

The Corporation of the City of Hamilton

BY-LAW NO. 98- 265

To Amend:

By-law No. 98-217

Respecting:

THE LEVYING OF TAXES FOR THE YEAR 1998

WHEREAS By-law No. 98-217 was enacted on August 12, 1998 to levy the 1998 tax rates;

AND WHEREAS the Province of Ontario has announced that the Municipal Act and the Assessment Act will be further amended to place certain tax increase caps on the commercial and industrial tax categories;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

The General Manager - Finance is authorized to defer the issuance of the final tax instalment for 1998 for any properties all or in part composed of the commercial and industrial classes until December 15, 1998 or such earlier date as Council may direct.

PASSED this 27th day of October 1998.

Tom Jackson

ACTING MAYOR

ACTING CITY CLERK

Bill No. E-21

BY-LAW NO. 98 - 266

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 27th DAY OF OCTOBER, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 27th day of October A.D. 1998

ACTING CITY CLERK

ACTING MAYOR

Bill No. C-122

The Corporation of the City of Hamilton

BY-LAW NO. 98- 267

To Adopt:

Official Plan Amendment No. 154

Respecting:

LANDS LOCATED AT 537 QUEENSTON ROAD WITHIN THE KENTLEY NEIGHBOURHOOD

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 154 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this 27th day of October A.D. 1998.

ACTING CITY CLERK

ACTING MAYOR

(1998) 15 R.P.D.C. (2), September 29
Marco Ramelli and Mukesh Patel, Owner
ZAC-98-27/537 Queenston Road

Amendment No. 154

to the

City of Hamilton Official Plan

The following text, together with Schedule "B", attached hereto, constitutes Official Plan Amendment No. 154.

Purpose:

The purpose of this Amendment is to establish a Special Policy Area for 537 Queenston Road to permit a naturopathic clinic within the "Residential" designation.

Location:

The lands affected by this Amendment are situated on the north side of Queenston Road, east of the Red Hill Creek Valley, and known municipally as No. 537 Queenston Road, within the Kentley Neighbourhood.

Basis:

The basis for the Special Policy Area to permit a naturopathic clinic within the existing building at 537 Queenston Road is as follows:

1) the naturopathic clinic is located on a major arterial road; and,

2) the nature and operational characteristics of the naturopathic clinic use is similar to other existing land uses along Queenston Road.

Actual Changes:

1) Schedule "B" - Special Policy Areas be revised by adding the subject lands as Special Policy Area 79, as shown on the attached Schedule "B" of this Amendment; and,

2) Section A.2.9.3 be amended by adding the following as Policy A.2.9.3.74:

"Notwithstanding Subsection A.2.1 - Residential Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 79, and known municipally as 537 Queenston Road, a naturopathic clinic will be permitted within the existing building.

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 98-267 , passed on the 27th day of October , 1998.

The Corporation of the

City of Hamilton

Acting City Clerk

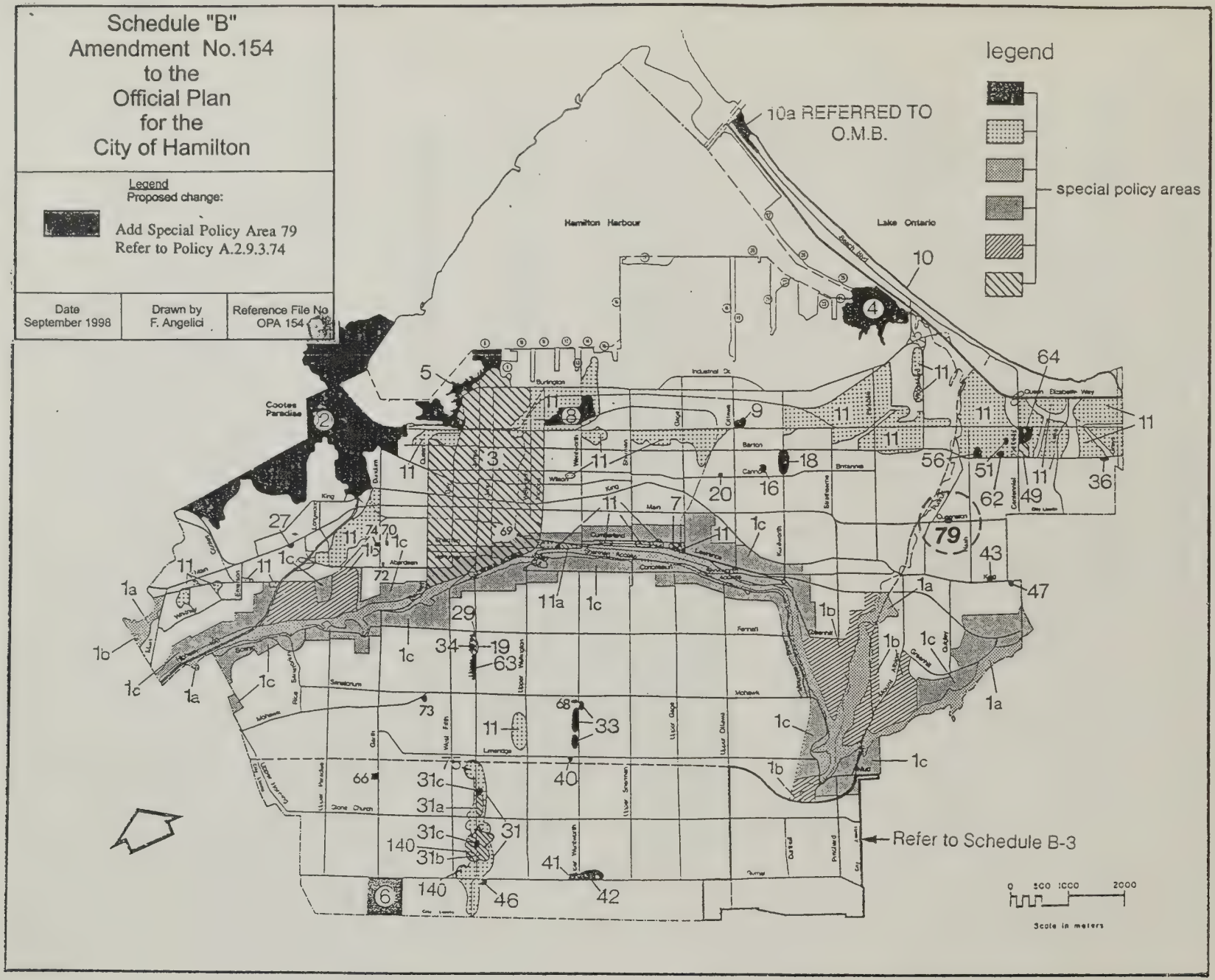
Acting Mayor

Schedule "B"
Amendment No.154
to the
Official Plan
for the
City of Hamilton

Legend
Proposed change:

Add Special Policy Area 79
Refer to Policy A.2.9.3.74

Date	Drawn by	Reference File No
September 1998	F. Angelici	OPA 154



special policy areas

AREA	REFER TO POLICY	AREA	REFER TO POLICY
1(a)	A.2.9.1.	53	"Deleted"
1(b)	A.2.9.1.	54	"Deleted"
1(c)	A.2.9.1.	55	A.2.9.3.50.
2	A.2.9.2.	56	A.2.9.3.51.
3	A.2.9.3.	57	A.2.9.3.52.
	A.2.9.3.1.	58	A.2.9.3.53.
4	A.2.9.3.2.	59	A.2.9.3.54.
5	A.2.9.3.3.	60	A.2.9.3.55.
6	A.2.9.3.4.	61	A.2.9.3.56.
7	A.2.9.3.5.	62	A.2.9.3.57.
8	A.2.9.3.6.	63	A.2.9.3.58.
9	A.2.9.3.7.	64	A.2.9.3.59.
10	A.2.9.3.8.	70	A.2.9.3.60.
11	A.2.9.3.9.	71	A.2.9.3.61.
11(a)	A.2.9.3.9.	72	A.2.9.3.62.
16	A.2.9.3.14.	73	A.2.9.3.63.
17	"Deleted"	74	A.2.9.3.64.
18	A.2.9.3.16.		
19	A.2.9.3.17.		
20	A.2.9.3.18.		
26	A.2.9.3.21.		
27	A.2.9.3.22.		
29	A.2.9.3.24.		
30	A.2.9.3.25.		
31	A.2.9.3.26.		
31(a)	A.2.9.3.26.		
31(b)	A.2.9.3.26.		
31(c)	A.2.9.3.26.		
32	A.2.9.3.27.		
33	A.2.9.3.28.		
34	A.2.9.3.29.		
35	A.2.9.3.30.		
36	A.2.9.3.31.		
37	A.2.9.3.32.		
38	"Deleted"		
40	A.2.9.3.35.		
41	A.2.9.3.36.		
42	A.2.9.3.37.		
43	A.2.9.3.38.		
45	A.2.9.3.40.		
46	A.2.9.3.41.		
47	A.2.9.3.42.		
48	"Deleted"		
49	A.2.9.3.44.		
50	A.2.9.3.45.		
51	A.2.9.3.46.		

For other Special Policy Areas numbers, refer to Schedules: B-1, B-2, and B-3.

schedule B

to the official plan
for
the city of Hamilton

98 01 23

Bill No. C-123

The Corporation of the City of Hamilton

BY-LAW NO. 98- 268

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 535 and 537 QUEENSTON ROAD

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 154, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "B-1" (Suburban Agricultural and Residential, etc.) District provisions, as contained in Section 8A of Zoning By-law No. 6593, applicable to the lands comprised in Block "1", the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

(a) notwithstanding Section 8A(1) of Zoning By-law No. 6593, the following uses shall be permitted:

(i) a medical office (chiropractic office) having a maximum gross floor area of 65 square metres shall only be permitted on the ground floor of the existing building; and,

(ii) one ground sign that shall not exceed 0.9 metres is vertical dimension or 0.6 square metres in area; and,

(iii) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain illumination; and,

(b) notwithstanding Section 8A.(3)(i) of Zoning Bylaw No. 6593, one ground sign shall be located not less than 3.0m from the front lot line; and,

(c) Section 18A(14g) of Zoning By-law No. 6593 shall not apply; and,

(d) Section 18A(26) of Zoning By-law No. 6593 shall not apply; and,

(e) a landscape planting strip of not less than 3.0 metres in width shall be provided and maintained along the southerly lot line, except any area used for vehicular access, only where an encroachment agreement for landscaping has not been entered into with the Region, for a minimum 3.0 metre wide planting strip within the widened road allowance limits of Queenston Road; and,

(f) a visual barrier of not less than 1.2 metres in height and not more than 2.0 metres in height shall be provided and maintained along the northerly lot line.

2. The "B-1" (Suburban Agricultural and Residential, etc.) District provisions, as contained in Section 8A of Zoning By-law No. 6593, applicable to the lands comprised in Block "2", the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

(a) notwithstanding Section 8A(1) of Zoning By-law No. 6593, the following uses shall be permitted:

(i) a medical office (naturopathic office) having a maximum gross floor area of 65 square metres shall only be permitted on the ground floor of the existing building; and,

(ii) a ground sign that shall not exceed 0.9 metres in vertical dimension or 0.6 square metres in area; and,

(iii) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain illumination; and,

(b) notwithstanding Section 8A.(3)(i) of Zoning By-law No. 6593, one ground sign shall be located not less than 3.0m from the front lot line; and,

(c) Section 18A(14g) of Zoning By-law No. 6593 shall not apply; and,

(d) Section 18A(26) of Zoning By-law No. 6593 shall not apply; and,

(e) a landscape planting strip of not less than 3.0 metres in width shall be provided and maintained along the southerly lot line, except any area used for vehicular access, only where an encroachment agreement for landscaping has not been entered into with the Region, for a minimum 3.0 metre wide planting strip within the widened road allowance limits of Queenston Road; and,

(f) a visual barrier of not less than 1.2 metres in height and not more than 2.0 metres in height shall be provided and maintained along the easterly and northerly lot lines.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "B-1" District provisions, subject to the special requirements referred to in sections 1 and 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1413.

5. Sheet No. E-95 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1413.

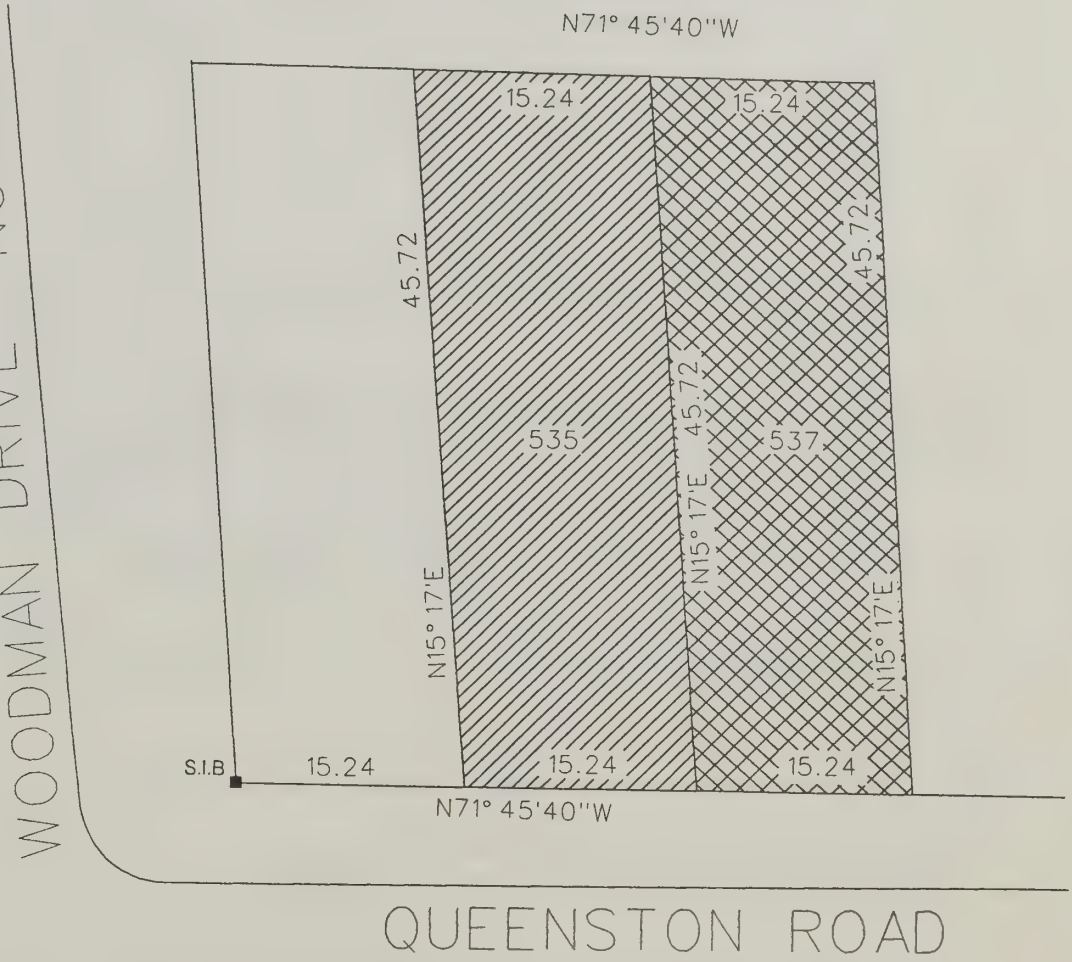
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 27th day of October A.D. 1998

ACTING CITY CLERK

ACTING MAYOR

(1998) 15 R.P.D.C. 2, September 29
Marco Ramelli and Mukesh Patel, Owners
Amended ZAC-98-27



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98- 268
Passed the 27th day of October, 1998.

S. C. Hollowell
Acting Clerk

Tom Jackson
Acting Mayor

City of Hamilton

Schedule "A"

Map Forming Part of By-Law No. 98- 268

to Amend By-Law No. 6593

Planning and Development Department

Legend

Block 1 — Modification to established "B-1" (Suburban Agricultural and Residential etc.) District

Block 2 — Modification to established "B-1" (Suburban Agricultural and Residential etc.) District

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-27
	Date	Drawn By
	October, 1998	J.Sims

Bill No. C-124

The Corporation of the City of Hamilton

BY-LAW NO. 98- 269

To Establish:

Site Plan Control

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 535 AND 537 QUEENSTON ROAD

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

   178. Land located at Municipal Nos. 535 and 537 Queenston Road , shown on Appendix 178 hereto annexed and forming part of this by-law.

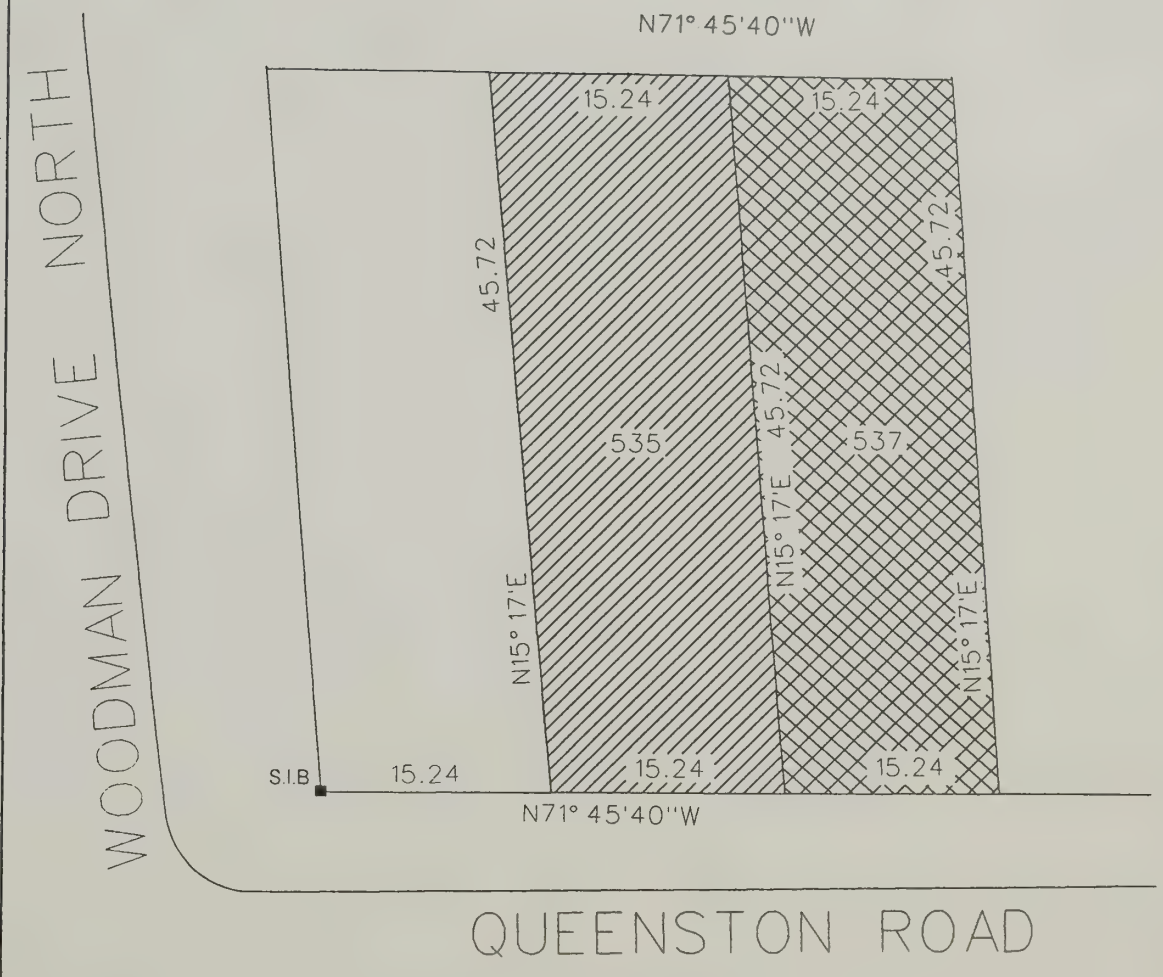
2. Appendix 178 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this 27th day of October A.D. 1998

ACTING CITY CLERK

ACTING MAYOR

(1998) 15 R.P.D.C. 2, September 29
Marco Ramelli and Mukesh Patel, Owners
Amended ZAC-98-27



NOTE: All dimensions are in metres

A. J. Holloway
Acting Clerk

Tom Jackson
Acting Mayor

City of Hamilton

Appendix 178

to the By-law No. 79-275
as amended by By-law No. 98-269

Planning and Development Department

Legend

Block 1

Block 2

Lands designated under this By-law as an area of Site Plan Control pursuant to section 41 of the Planning Act, R.S.O. 1990

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-27
	Date	Drawn By
	October, 1998	J.Sims

Bill No. D-53

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.98- 270

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

   (b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.

2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

(a) that the Extension Agreement does not reduce the amount of the Cancellation Price.

(b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.

(c) that any person may pay the Cancellation Price at any time.

(d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.

(e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

(a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.

(b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this 27th day of October 1998, A.D.,

ACTING **CITY CLERK**

ACTING **MAYOR**

SCHEDULE "A"
EXTENSION AGREEMENTS

1)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	1286 Barton E. 04 03145 9030 July 14, 1999
2)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	15 Albany 04 03155 8430 September 2, 1999
3)	PROPERTY ADDRESS SERIAL NUMBER REDEMPTION DATE	69 Ray S. 01 00940 6060 September 2, 1999

Bill No. D-54

BY-LAW NO. 98 - 271

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 27th DAY OF OCTOBER, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 27th day of October A.D. 1998

ACTING CITY CLERK

ACTING MAYOR

Bill No.E-23

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-272

TO REPEAL BY-LAW NO. 90-94

WHEREAS the Council of The Corporation of the City of Hamilton wishes to repeal By-Law No. 90-94 which appointed a City Solicitor;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

1. THAT By-Law 90-94 be repealed.

2. THAT this By-Law shall come into force and take effect on November 4, 1998.

PASSED AND ENACTED THIS 3rd DAY OF NOVEMBER, 1998.

A.T. Hollowell
ACTING CLERK

Robert Morrow
MAYOR

Bill No. E-25

BY-LAW NO. 98 - 273

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 3rd DAY OF NOVEMBER, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 3rd day of November A.D. 1998

D. J. Hollocroft

ACTING
CITY CLERK

Robert Morrow

MAYOR

Bill No. A-74

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 274

BEING A BY-LAW TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 24 (Parking Meter Locations)** of By-law 89-72, as amended, is hereby further amended by deleting therefrom the following items, namely:-

"Catharine	West	Jackson to Main
Catharine	West	Main to King William
Catharine	West	King William to Rebecca
Catharine	East	Rebecca to Wilson
Ferguson	Both	King to Wilson
Hughson	East	Jackson to Main
Jarvis	Both	King William to the southerly end
Jackson	South	James to MacNab
Jackson	North	MacNab to City Hall
Jackson	North	Catharine to Ferguson
King William	North	James to John
King William	North	John to Wellington
Mary	East	King to King William
Mary	East	King William to Rebecca
Mary	East	commencing at a point 73 feet south of Wilson to a point 72 feet north of Rebecca

Public Alley at rear of Main Post Office	South	Hughson to easterly end
Rebecca	North	From 87 ft. east of Ferguson to 160 ft. east of Ferguson
Rebecca	North	From a point 25 feet east of Ferguson to a point 27 feet easterly therefrom
Rebecca	North	Catharine to Ferguson
Rebecca	South	James to Hughson
Rebecca	North	John to Catharine
Rebecca	South	Hughson to John
Rebecca	South	1st west of John
Rebecca	South	1st west of Hughson
Spring	East	Main to 92 ft. south
Walnut	West	King to Main"

2. That **Schedule 25 (Parking Time Limits)** of said by-law is hereby amended by adding thereto the following items, namely:-

"Catharine	West	Jackson to Main	2 hr	8 am - 6 pm	Mon - Sat
Catharine	West	King William to Rebecca	2 hr	8 am - 6 pm	Mon - Sat
Catharine	East	Rebecca to Wilson	2 hr	8 am - 6 pm	Mon - Sat
Ferguson	Both	King to Wilson	2 hr	8 am - 6 pm	Mon - Sat
Hughson	East	Jackson to Main	2 hr	8 am - 6 pm	Mon - Sat
Jarvis	Both	King William to the southerly end	2 hr	8 am - 6 pm	Mon - Sat
Jackson	South	James to MacNab	2 hr	8 am - 6 pm	Mon - Sat
Jackson	North	MacNab to City Hall	2 hr	8 am - 6 pm	Mon - Sat
Jackson	North	Catharine to Ferguson	2 hr	8 am - 6 pm	Mon - Sat
King William	North	James to John	2 hr	8 am - 6 pm	Mon - Sat
King William	North	John to Wellington	2 hr	8 am - 6 pm	Mon - Sat
Mary	East	King to King William	2 hr	8 am - 6 pm	Mon - Sat

Mary	East	King William to Rebecca	2 hr	8 am - 6 pm	Mon - Sat
Mary	East	commencing at a point 73 feet south of Wilson to a point 72 feet north of Rebecca	2 hr	8 am - 6 pm	Mon - Sat
Public Alley at rear of Main Post Office	South	Hughson to easterly end	2 hr	8 am - 6 pm	Mon - Sat
Rebecca	North	From 87 ft. east of Ferguson to 160 ft. east of Ferguson	2 hr	8 am - 6 pm	Mon - Sat
Rebecca	North	From a point 25 feet east of Ferguson to a point 27 feet easterly therefrom	2 hr	8 am - 6 pm	Mon - Sat
Rebecca	North	Catharine to Ferguson	2 hr	8 am - 6 pm	Mon - Sat
Rebecca	South	James to Hughson	2 hr	8 am - 6 pm	Mon - Sat
Rebecca	North	John to Catharine	2 hr	8 am - 6 pm	Mon - Sat
Rebecca	South	Hughson to John	2 hr	8 am - 6 pm	Mon - Sat
Rebecca	South	1st west of John	2 hr	8 am - 6 pm	Mon - Sat
Rebecca	South	1st west of Hughson	2 hr	8 am - 6 pm	Mon - Sat
Spring	East	Main to 92 ft. south	2 hr	8 am - 6 pm	Mon - Sat
Walnut	West	King to Main	2 hr	8 am - 6 pm	Mon - Sat"

3. That **Schedule 24 (Parking Meter Locations)** of the said By-law is hereby amended by adding to **Section 1. (A)** (3 Hour/fifty cents per hour) thereof the following items, namely:-

"Ferguson	Both	King to Wilson
Jarvis	Both	King William to the southerly end
Jackson	South	James to MacNab
Jackson	North	MacNab to City Hall
King William	North	John to Wellington
Mary	East	King to King William

Walnut	West	King to Main"

and by adding to **Section 2.(A)** (2 Hour/fifty cents per hour) thereof the following items, namely:-

"Catharine	West	Main to King William
Jackson	North	Catharine to Ferguson
Rebecca	North	Catharine to Ferguson"

and by adding to **Section 3.(A)** (1 Hour/fifty cents per hour) thereof the following items, namely:-

"Catharine	West	Jackson to Main
Catharine	West	King William to Rebecca
Hughson	East	Jackson to Main
Rebecca	North	from a point 25 feet east of Ferguson to a point 27 feet easterly therefrom"

and by adding to **Section 3. (B)** (1 Hour/One Dollar per hour) thereof the following items, namely:-

"Mary	East	King William to Rebecca
Mary	East	commencing at a point 73 feet south of Wilson to a point 72 feet north of Rebecca
Public Alley at rear of Main Post Office	South	Hughson to easterly end
Rebecca	North	From 87 ft. east of Ferguson to 160 ft. east of Ferguson
Rebecca	South	James to Hughson
Spring	East	Main to 92 ft. south"

and by adding to **Section 4.(A)** (Half Hour/fifty cents per hour) thereof the following items, namely:-

"Catharine	East	Rebecca to Wilson
Rebecca	North	John to Catharine"

and by adding to **Section 4.(B)** (1/2 Hour/one dollar per hour) thereof the following items, namely:-

"King William	North	James to John
Rebecca	South	Hughson to John"

and by adding to **Section 5.(A)** (15 Minutes/twenty five cents per hour) thereof the following items, namely:-

"Rebecca	South	1st west of John
Rebecca	South	1st west of Hughson"

4. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

5. Sections 1 and 2 of this By-law shall come into force and take effect at 12:01 a.m. on the 1st day of December, A.D. 1998, and shall be repealed and cease to be in force and effect at 11:59 p.m. on the 31st day of December, A.D. 1998.

6. Section 3 of this By-law shall come into force and take effect at 12:01 a.m. on the 1st day of January, A.D. 1999.

PASSED this 10th day of November 1998.

CITY CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 275

BEING A BY-LAW TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 26 (No Parking Areas)** of By-law 89-72, as amended, is hereby further amended by deleting therefrom the following item, namely:-

"Hughson	East	from a point 53 feet south of Murray to a point 21 feet southerly therefrom	8 am - 5 pm Mon - Fri"

2. That **Schedule 34 (Sticker Permit Parking)** of the said By-law is hereby amended by adding thereto the following items, namely:-

"Avondale	West	commencing 25 feet south of Gertrude and extending 21 feet southerly therefrom	Anytime
East 24th	East	commencing 240 feet south of Crockett and extending 26 feet southerly therefrom	Anytime
Francis	North	commencing 93 feet west of Cheever and extending 22 feet westerly therefrom	Anytime
Francis	South	commencing 76 feet west of Cheever and extending 18 feet westerly therefrom	Anytime
Dundurn	West	commencing 268 feet north of Glenside and extending 20 feet northerly therefrom	Anytime"

and by deleting therefrom the following items, namely:-

"Montmorency	North	commencing 312 feet west of the extended curb line of Montmorency and extending 18 feet westerly therefrom	Anytime
Dundurn	East	commencing 139 feet south of South and extending 18 feet southerly therefrom	Anytime"

3. That **Schedule 37 (Snow Routes)** of the said By-law is hereby amended by adding thereto the following item, namely:-

"Woodward	Both	Barton	Melvin"

and by deleting therefrom the following item, namely:-

"Bigwin	Both	Pritchard	Anchor"

4. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

5. This By-law shall come into force and take effect upon the date of its passing and enactment.

PASSED this 10th day of November 1998.

CITY CLERK

MAYOR

Bill No. A-76

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-276

BEING A BY-LAW TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 10 (Stops at Intersections)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following items, namely:-

"Mapleridge	Southbound	Acadia
Elk	Eastbound	Crerar
Resolute	Westbound	Crerar
Cumberland	Eastbound and Westbound	Prospect
Cumberland	Eastbound and Westbound	Norway
Cumberland	Eastbound and Westbound	Holton
Cumberland	Eastbound and Westbound	Burris"

2. That **Schedule 29 (No Stopping Areas - No Stopping Anytime)** of the said By-law is hereby amended by adding thereto the following item, namely:-

"Regal	North	Rowntree to 59 feet east	Anytime"

3. That **Schedule 31 (School Bus Loading Zones)** of the said By-law is hereby amended by adding theret the following items, namely:-

"Bobolink	South	190 feet	commencing 40 feet east of Meadowlark	7:00 a.m. - 6:00 p.m. Monday to Saturday
Munroe	North	50 feet	commencing 184 feet east of Wentworth	7:00 a.m. - 6:00 p.m. Monday to Saturday

Central	South 30 feet	commencing 40 feet east of Houghton	8:00 a.m. - 5:00 p.m. Monday to Friday
Wexford	West 60 feet	commencing 210 feet south of Central	8:00 a.m. - 5:00 p.m. Monday to Friday"

and by deleting therefrom the following item, namely:-

"Bobolink	South 120 feet	commencing at a point 40 feet east of Meadowlark	7:00 a.m. - 6:00 p.m. Monday to Saturday"

4. That **Schedule 35 (Wheelchair Loading Zones)** of the said By-law is hereby amended by adding thereto the following items, namely:-

"Parkplaza	North 33 feet	151 feet east of Grand Oaks	Anytime
Thorner	South 30 feet	103 feet west of Deerborn	7:00 a.m. - 6:00 p.m. Monday to Saturday"

5. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

6. This By-law shall come into force and take effect upon the date of its passing and enactment.

PASSED this 10th day of November 1998.

CITY CLERK

MAYOR

Bill No. A-77

THE CITY OF HAMILTON

BY-LAW NO. 98- 277

TO AMMEND BY-LAW NO. 98-110

RESPECTING:

THE CONSTRUCTION, MAINTENANCE, OPERATION,MANAGEMENT AND REGULATION OF MUNICIPAL PARKING FACILITIES

WHEREAS Sub-section 56 of Section 207 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, confers upon the councils of all municipalities the authority to acquire, establish, lay out and improve land, buildings, and structures where vehicles may be parked, and for erecting buildings or structures for, or in connection with, the parking of vehicles;

AND WHEREAS Sub-sectioin 56 of Section 207 of the Municipal Act, as amended, further provides for the regulation, supervision and governing of the parking of vehicles on land so acquired, established, laid out and improved;

AND WHEREAS Paragraph (6) of Section 191 of the Municipal Act, as amended, confers upon the councils of every corporation the authority to pass by-laws providing for the use by the public of lands of which the corporation is the owner and for the regulation of such use and the protection of such lands;

AND WHEREAS the Council of the City of Hamilton, at its meeting held on the 14th day of April, A.D. 1998, did enact By-law No. 98-110, providing for the construction, maintenance, operation, management and regulation of municipal parking facilities;

AND WHEREAS the Council of the City of Hamilton deems it necessary and appropriate to amend By-law 98-110;

NOW THEREFORE The Council of the City of Hamilton enacts as follows:

1. That **Schedule 1** of By-law 98-110 is hereby amended by adding thereto the following items, namely:-

"58	1368 Barton Street East	$ 0.50	$ 0.25	NONE	$ 31.50
5	140 King William Street	$ 1.60	$ 0.50	$ 3.00	$ 40.00"

and by deleting therefrom the following item, namely:-

"5	140 King William Street	$ 1.60	$ 0.50	$ 2.00	$ 40.00"

2. In all other respects, By-law 98-110 and the Schedule attached thereto is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 10th day of November , A.D. 1998

City Clerk

Mayor

Bill No. A-78

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-278

To Authorize:

1. The construction as a local improvement a concrete sidewalk on the east side of Main Street West along the frontage of 1898 Main Street West, (as described in Schedule "A") upon the petition of the abutting owners pursuant to section 11 of The Local Improvement Act;

2. The imposition of a special assessment upon the lands of the abutting owners in respect of the abutting owners' portion of the cost of the works;

3. The preparation of plans, specifications and reports and the supervision of construction of the said works by the Commissioner of Public Works and Traffic.

WHEREAS a petition for the works hereinafter described to be constructed as local improvements has been lodged with the Clerk pursuant to sections 7 and 11 of the Local Improvement Act, R.S.O. 1990, c.L26;

AND WHEREAS at least two thirds of the owners directly abutting the proposed works, representing at least one-half of the value of the lots liable to be specially assessed, have signed and lodged the said petition with the Clerk for presentation to Council for the City to undertake the said works as local improvements;

AND WHEREAS the City Clerk has, as required by the Local Improvement Act, issued his certificate that the said petition sufficiently meets the minimum requirements of the Local Improvement Act;

AND WHEREAS when Council is presented with a sufficiently signed petition for a work, The Local Improvement Act provides that Council may pass a by-law to undertake the works as a local improvement;

AND WHEREAS the Council of The Corporation of the City of Hamilton did decide (in adopting Item 17 of the 10th Report of the Transport & Environment Committee on September 29, 1998) to authorize preparation of this by-law because it is expedient to undertake the works hereinafter described as local improvements pursuant to the petition received from the abutting owners;

AND WHEREAS the Council has obtained reports, estimates and statements required for the undertaking of the said works;

AND WHEREAS the Council of The Corporation of the City of Hamilton intends to raise the Corporation's portion of the cost of the works out of its current revenues and, pending payment in full by the abutting owners of the special assessment provided for below, to finance the abutting owners' portion of the costs by borrowing such funds, through the Region's issuance of debentures;

AND WHEREAS the Regional Municipalities Act, (R.S.O. 1990, c.R.8,sec.11) provides that "no area municipality has power to issue debentures", and that Regional Council may borrow money for the purposes of any area municipality;

AND WHEREAS the Ontario Municipal Board Act, (R.S.O.1990,c.O.28,sec.65), states that a municipality shall not authorize any work the cost of which is to be raised in a subsequent year or years until the approval of the Board has first been obtained.

AND WHEREAS the Local Improvement Act (sec.53(7)) states that the amount of monies borrowed to respect of the abutting owners' portion of the cost of the works "...shall not be deemed to be part of the existing debenture debt of the Corporation within the meaning of the provisions of the Municipal Act limiting the borrowing powers of the municipality";

AND WHEREAS Ontario Regulation 710/92 prescribed pursuant to the Municipal Act, (R.S.O.1990,c.M.45), establishes a limit for the City of Hamilton's debt obligations which do not require approval of the Ontario Municipal Board;

AND WHEREAS the financial commitments, liabilities and debts of the local improvements works listed herein, being financed by debentures to be issued by the Region on behalf of the City, together with the City of Hamilton's other financial obligations and debts, do not exceed the City's maximum permitted debt and financial obligation limit prescribed by Ontario Regulation 710/92 and therefore, approval of the Ontario Municipal Board to issuance of debentures by the Region hereinafter described is not required;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The construction of the following described works may be proceeded with under The Local Improvement Act, at an estimated cost not to exceed $74,000.00.

The construction of a concrete sidewalk on the east side of Main Street West along the frontage of 1898 Main Street West at the cost not exceeding those set out below:

City's portion of the cost	$38,259.00
Owners' portion of the cost	35,741.00
Total Estimated cost of the works	$74,000.00
Estimated Cost per metre frontage payable by the abutting owners in Fifteen (15) annual instalments	$ 103.00

2. The portion of the estimated costs of the said works in the amount of $35,741.00 shall be borne b therein, by an equal special rate per metre of such frontage payable in annual instalments until fully paid.

3. Pending payment of the abutting owners' portion of the costs referred to in Section 2, the said portion shall be financed by the issue of debentures (subject to the terms listed below) by The Regional Municipality of Hamilton-Wentworth on behalf of the City of Hamilton;

   (a) to the extent sufficient to provide an amount not exceeding $35,741.00, and,

   (b) repayable over a term not exceeding twenty (20) years, chargeable to The Corporation of the City of Hamilton.

4. The Commissioner of Public Works and Traffic is hereby authorized to:

   (a) prepare all necessary plans, specifications and reports required for the construction of the works; and,

   (b) supervise construction of the works.

5. The Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City, all contracts necessary for the construction of the works.

PASSED this day of ,A.D. 1998.

CITY CLERK

MAYOR

(1998) 10 R.T.E.C.17,September 29

SCHEDULE "A"

The construction of a concrete sidewalk on the east side of Main Street West along the frontage of 1898 Main Street West at the costs not exceeding those set out below:

City's Share	$38,259.00
Owners' Share	35,741.00
TOTAL ESTIMATED COST	$74,000.00
Estimated Cost per metre frontage	$103.00

Fifteen (15) annual instalments

Bill No. A- 79

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 279

TO INCORPORATE CITY LAND DESIGNATED AS PARTS 1 & 2, ON PLAN 62R-13829 INTO A PEDESTRIAN WALKWAY

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into a pedestrian walkway;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established to form part of a pedestrian walkway.

   Part of the road allowance between Concessions 6 and 7, in the geographic Township of Barton, and Part of Block 'A' on Plan M-188, formerly part of the Common Elements on Wentworth Condominium Plan No. 79, designated as Parts 1 and 2, on Plan 62R-13829.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said land as a pedestrian walkway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 10th day of November A.D. 1998

City Clerk

Mayor

Bill No. C-125

The Corporation of the City of Hamilton

BY-LAW NO. 98-280

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 330 AND 342 DUNDURN STREET SOUTH

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to the lands in Block "1", the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

   (a) notwithstanding Section 14.(1)(i) of Zoning By-law No. 6593, the following uses shall be permitted:

      (i) a senior citizens "lodging house" for the accommodation of a maximum of ninety (90) persons within three floors of the building; and,

      (ii) a lodging room having bathroom facilities.

2. The "G-1" (Design Shopping Centre) District provisions, as contained in Section 13A of Zoning By-law No. 6593, applicable to the lands in Block "2", the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirement that,

   (a) notwithstanding Section 13.A(1) of Zoning By-law No. 6593, only parking accessory to the lodging house on Block "1" shall be permitted.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" and "G-1" District provisions, subject to the special requirements referred to in section 1 and 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1415.

5. Sheet No. W-24 of the District Maps is amended by marking the lands referred to in section 1 and 2 of this by-law, S-1415.

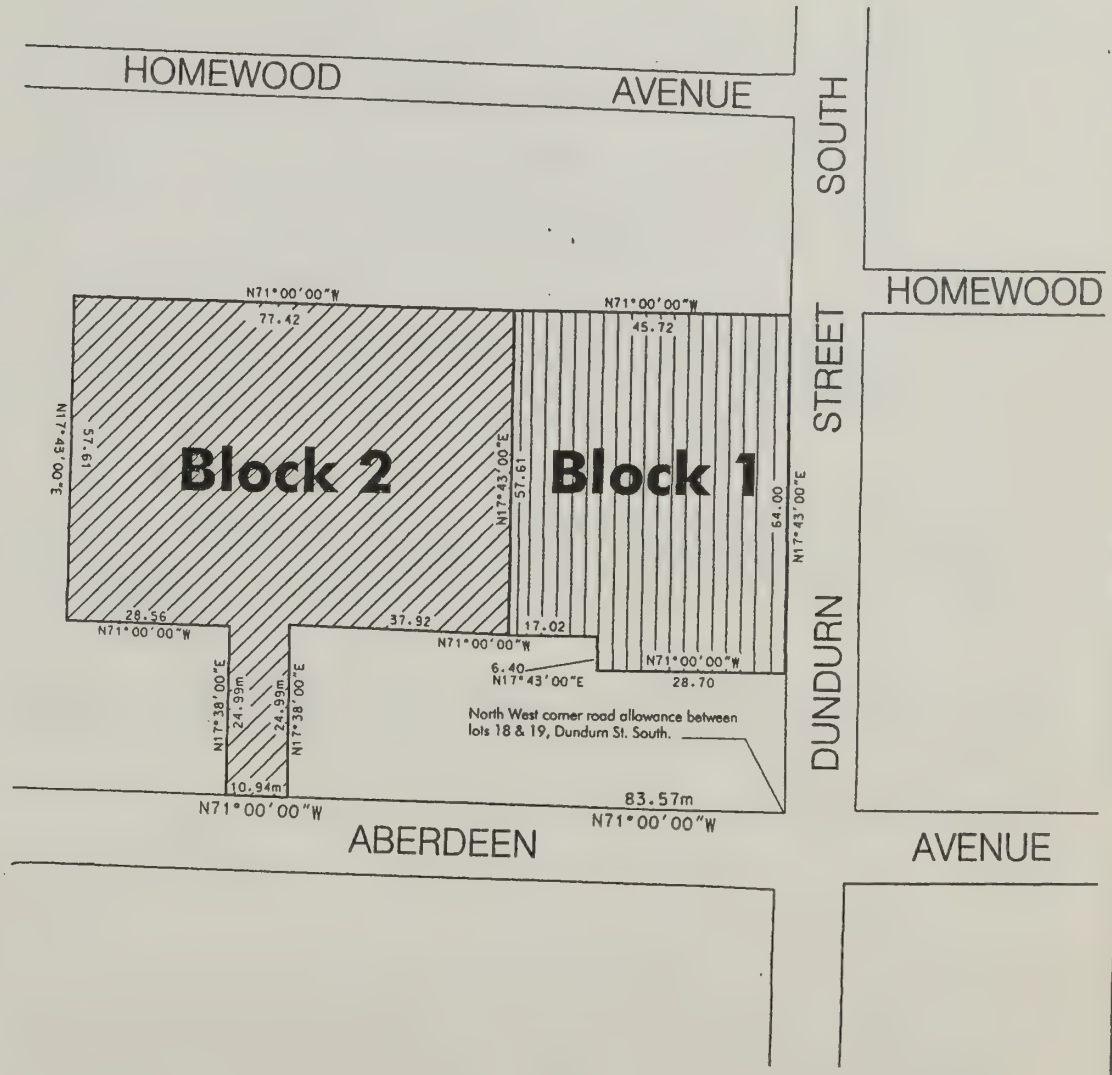
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 10th day of November A.D. 1998

CITY CLERK

MAYOR

(1998) 18 R.P.D.C. 1, October 21
1242324 Ontario Inc., Dominic Occhionorelli, Owner
ZAR-98-33



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-280
Passed the .....10th.... day of ...November , 1998.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of By-Law No. 98- 280

to Amend By-Law No. 6593

Planning and Development Department

Legend

Block 1 — Modification to the "H" (Community Shopping and Commercial, etc.) District

Block 2 — Modification to the "G-1" (Designed Shopping Centre) District

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-33
	Date	Drawn By
	October, 1998	J.Sims

Bill No. C-126

The Corporation of the City of Hamilton

BY-LAW NO. 98-281

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED ON THE WEST SIDE (BAY SIDE) OF BEACH BOULEVARD, IN THE BEACH NEIGHBOURHOOD

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "C" (Urban Protected Residential, etc.) District, the "G" (Neighbourhood Shopping Centre, etc.) District, and the "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Sections 9, 13 and 14, respectively, of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on plans hereto annexed as Schedules "A-1", "A-2" and "A-3" are amended to the extent only of the special requirements that,

(a) notwithstanding the provisions of the Zoning By-law No. 6593, the minimum ground floor elevation of any building or any building addition shall be 76.0 metres above mean sea level, as defined by the Geodetic Survey Datum, except for any building addition less than 14 square metres in area and accessory building or structure; and,

(b) no basement or cellar shall be permitted for any building, except for any building addition less than 14 square metres in area and accessory building or structure; and,

(c) any addition, less than 14 square metres in area, shall have a minimum ground floor elevation at or above the existing ground floor elevation of the building; and,

(d) prior to the issuance of a building permit for every new building, a Lot Grading Agreement with the City of Hamilton shall be entered into and registered on title to the satisfaction of the Building Commissioner, except for developments that require approval under the Site Plan Control By-law 79-275, as amended.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C", "G" and "H" Districts provisions, subject to the special requirements referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1414.

4. Sheets No. E-80b, E-80c, E-80d, E-80e and E-80f of the District Maps are amended by marking the lands referred to in section 1 of this by-law, S-1414.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

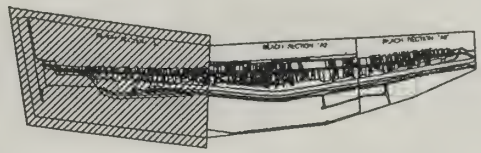
PASSED this 10th day of November A.D. 1998

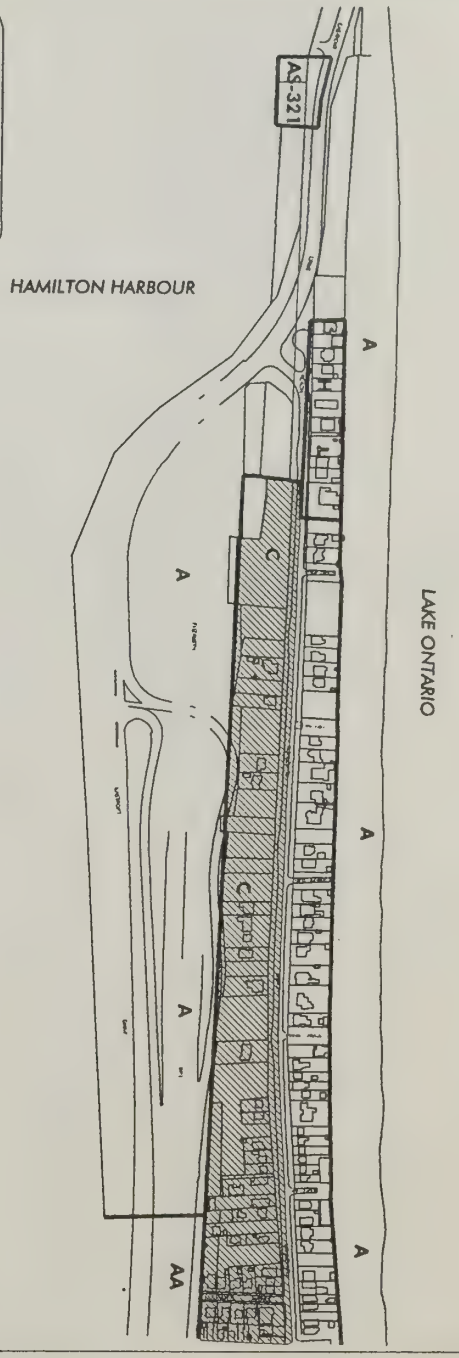
CITY CLERK

MAYOR

(1998) 15 R.P.D.C. 3, September 29
City Initiative 98-D

Key Map





NOTE: All dimensions are in metres

This is Schedule "A–1" to By–Law No. 98–281
Passed the 10th day of November, 1998.

Clerk

Mayor

City of Hamilton

Schedule "A–1"

(3 Sheets)

Map Forming Part of
By–Law No. 98– 281

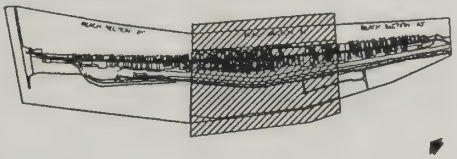
Planning and Development Department

Legend

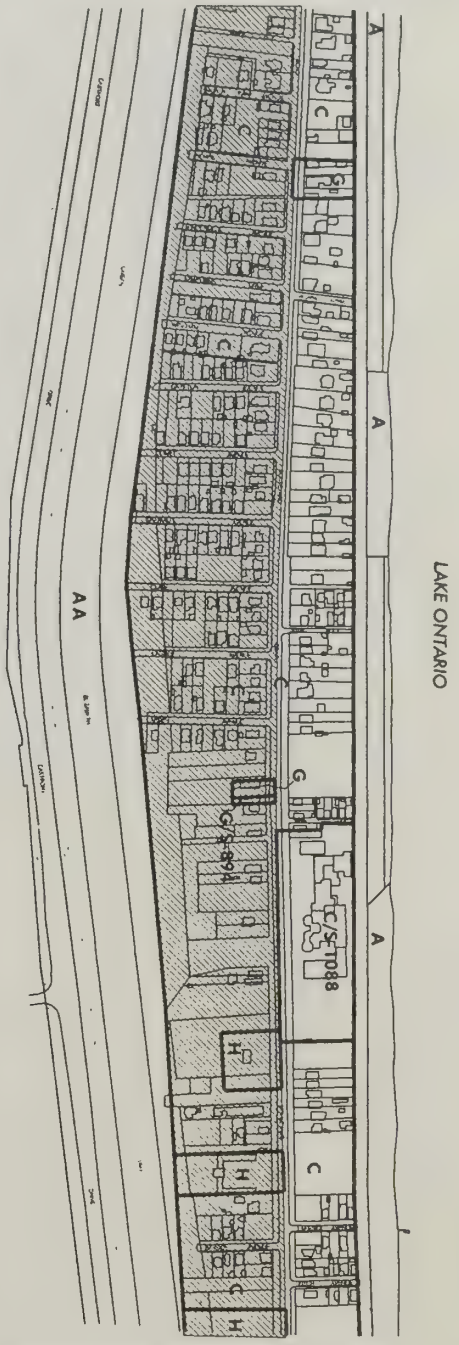
Modification to the "C" (Urban Protected Residential etc.) District regulations

North	Scale	Reference File No.
	NOT TO SCALE	CI–98–D
	Date	Drawn By
	October, 1998	J.Sims

Key Map



HAMILTON HARBOUR



NOTE: All dimensions are in metres

This is Schedule "A–2" to By–Law No. 98–..281.....
Passed the .....10th... day of ..November , 1998.

Clerk

Mayor

City of Hamilton

Schedule "A–2"

(3 Sheets)

Map Forming Part of
By–Law No. 98– 281

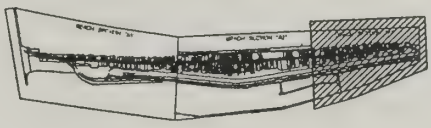
Planning and Development Department

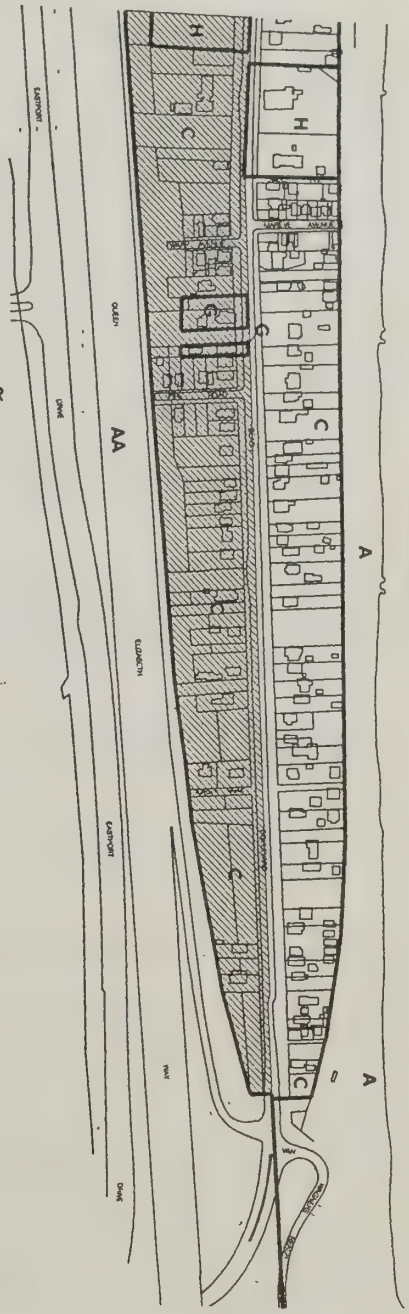
Legend

Modification to the "C" (Urban Protected Residential etc.) District, the "G" (Neighbourhood Shopping Centre) District, and the "H" (Community Shopping and Commerical, etc.) District regulations.

North	Scale	Reference File No.
	NOT TO SCALE	CI–98–D
	Date	Drawn By
	October,1998	J.Sims

Key Map





NOTE: All dimensions are in metres

This is Schedule "A–3" to By–Law No. 98–281
Passed the 10th day of November, 1998.

Clerk

Mayor

City of Hamilton

Schedule "A–3"

(3 Sheets)

Map Forming Part of
By–Law No. 98– 281

Planning and Development Department

Legend

Modification to the "C" (Urban Protected Residential etc.) District, the "G" (Neighbourhood Shopping Centre) District, and the "H" (Community Shopping and Commerical, etc.) District regulations.

North	Scale	Reference File No.
	NOT TO SCALE	CI–98–D
	Date	Drawn By
	September 1998	J.Sims

Bill No. C-127

The Corporation of the City of Hamilton

BY-LAW NO. 98-282

To Establish:

Site Plan Control

Respecting:

LANDS LOCATED ON THE WEST (BAY) SIDE OF BEACH BOULEVARD

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

177 Land located on the west (bay) side of Beach Boulevard, shown on Appendix 177 hereto annexed and forming part of this by-law.

2. Appendix 177 to By-law No. 79-275 is hereto annexed as Schedules "A-1", "A-2" and "A-3" and form part of this by-law, and By-law No. 79-275, as amended.

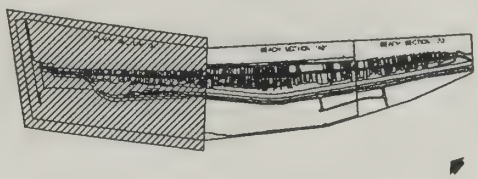
PASSED this 10th day of November A.D. 1998

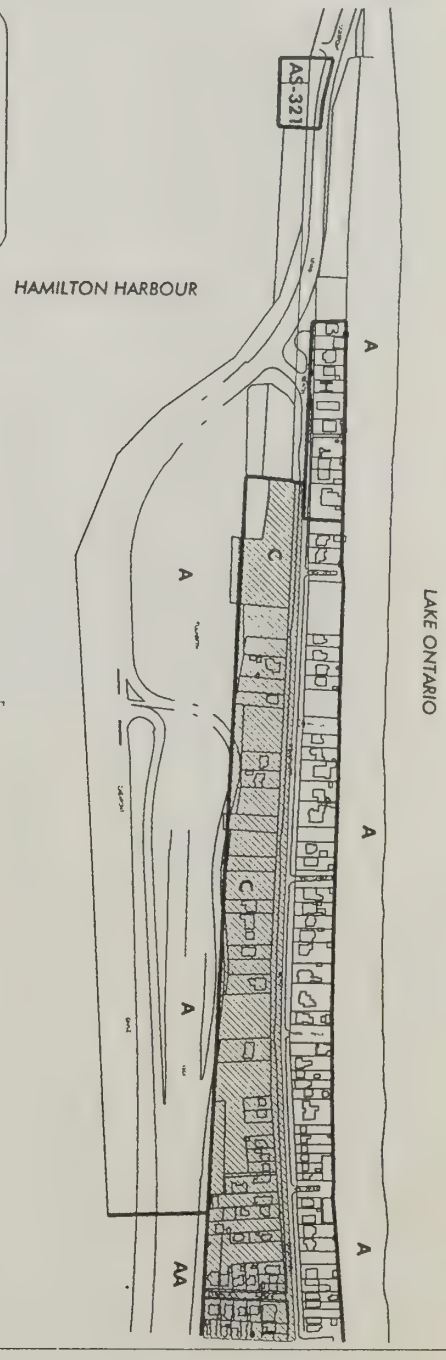
CITY CLERK

MAYOR

(1998) 15 R.P.D.C. 3(b), September 29
CI 96-G

Key Map





NOTE: All dimensions are in metres

This is Schedule "A–1" to By–Law No. 98–282
Passed the 10th day of November, 1998.

Clerk

Mayor

City of Hamilton

Appendix 177

(3 Sheets)
to the By–Law No. 79–275
as Amended by By–Law No. 87–223

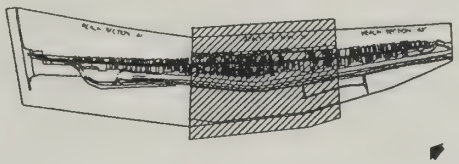
Planning and Development Department

Legend

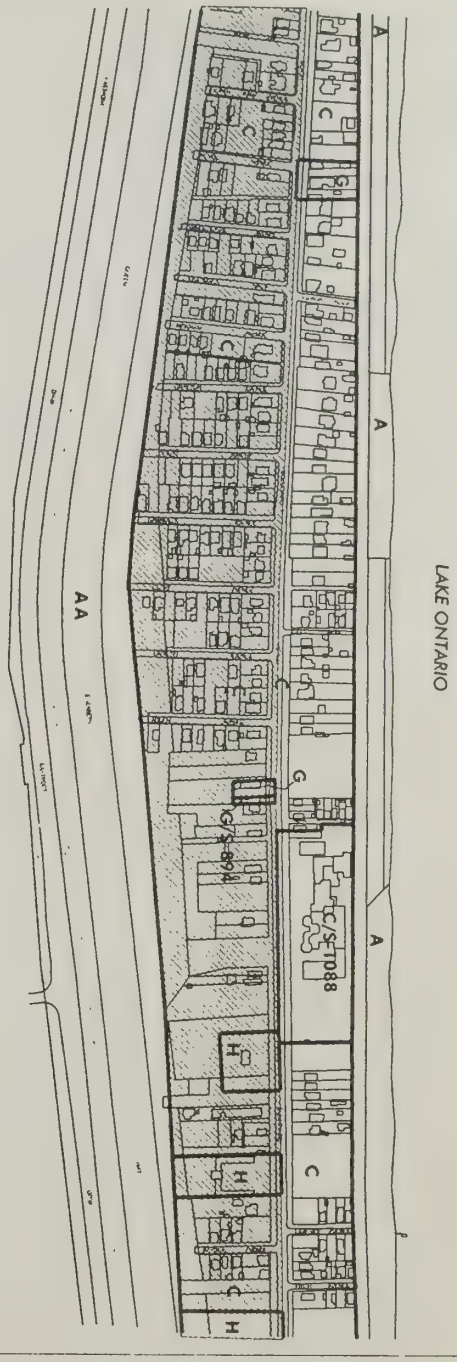
Lands designated under this By–Law as an area of Site Plan Control pursuant to section 41 of the Planning Act, R. S. O. 1990.

North	Scale	Reference File No.
	NOT TO SCALE	CI–98–D
	Date	Drawn By
	September 1998	J.Sims

Key Map



HAMILTON HARBOUR



NOTE: All dimensions are in metres

This is Schedule "A–2" to By–Law No. 98–282
Passed the 10th day of November, 1998.

Clerk

Mayor

City of Hamilton

Appendix 177

(3 Sheets)
to the By–Law No. 79–275
as Amended by By–Law No. 87–223

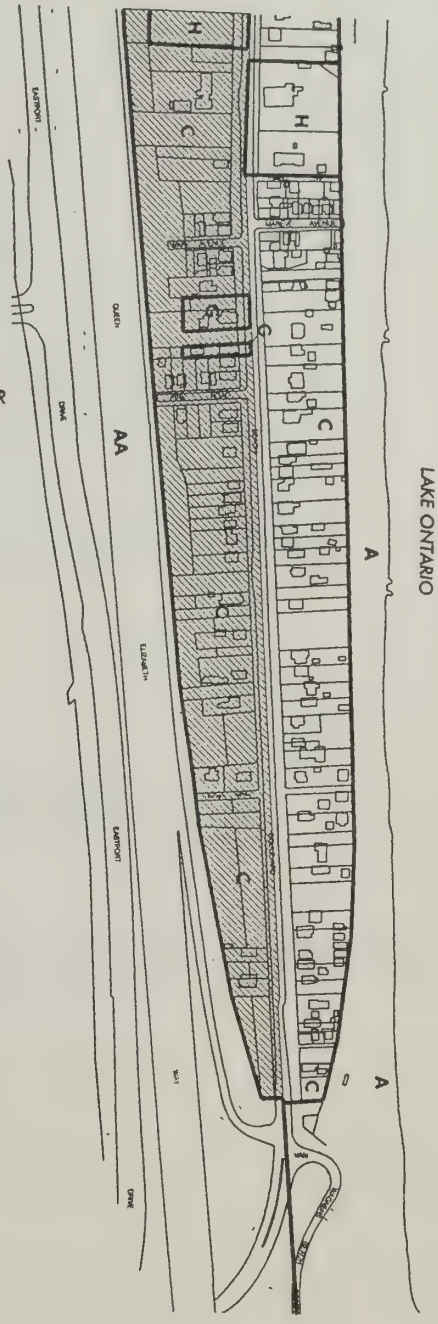
Planning and Development Department

Legend

Lands designated under this By–Law as an area of Site Plan Control pursuant to section 41 of the Planning Act, R. S. O. 1990.

North	Scale	Reference File No.
	NOT TO SCALE	CI–98–D
	Date	Drawn By
	September 1998	J.Sims

Key Map



NOTE: All dimensions are in metres

This is Schedule "A–3" to By–Law No. 98–.....282....
Passed the .....10th... day of ..November , 1998.

Clerk

Mayor

City of Hamilton

Appendix 177

(3 Sheets)
to the By–Law No. 79–275
as Amended by By–Law No. 87–223

Planning and Development Department

Legend

Lands designated under this By–Law as an area of Site Plan Control pursuant to section 41 of the Planning Act, R. S. O. 1990.

North	Scale	Reference File No.
	NOT TO SCALE	CI–98–D
	Date	Drawn By
	September 1998	J.Sims

Bill No. C -1 28

The Corporation of the City of Hamilton

BY-LAW NO. 98- 283

To Adopt:

Official Plan Amendment No. 155

Respecting:

NOTIFICATION AND PUBLIC PARTICIPATION PROCEDURES

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 155 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this 10th day of November A.D. 1998

CITY CLERK

MAYOR

1998 19. R.P.D.C (2a)
OPA 155

Amendment No. 155

to the

City of Hamilton Official Plan

The following text, attached hereto, constitutes Official Plan Amendment No. 155.

Purpose:

The purpose of this Amendment is to reflect recent changes to the Planning Act Legislation respecting public notification procedures.

Basis:

The basis for the Amendment is to bring the Official Plan into conformity with the Planning Act

Actual Changes:

Subsection D.9 – Notification and Public Participation Procedure is amended by deleting Policies D.9.1 ii) and iii) and replacing them with the following new policies:

i) Subsection D.9 – Notification and Public Participation Procedures is amended by deleting Policies D.9.1 ii) and iii) and replacing them with the following new policies:

"D.9.1 ii) Notification of public meeting(s) for the adoption of the Official Plan and Amendments, changes to the Zoning By-law, Plans of Subdivision and Community Improvement Plans will be given to the public at least 17 days prior to the date of the meeting (s) and the notice will be given in accordance with the applicable requirements of the Planning Act regulations.

D.9.1. iii) Council decisions will take place a minimum of 17 days from the time the first notification is given, for Planning Act applications/procedures identified in Policy D.9.1. ii).

D.9.1 iv) Where a notice of public meeting or written notice of an application is required for Planning Act application, other than those identified in Policy D.9.2.ii), notice will be given in accordance with the applicable requirements of the Planning Act

D.9.1. vi) Notice of the intention of the passing of an amending by-law to remove a holding symbol will be given in accordance with the applicable requirements of the Planning Act.

D.9.1.v) Notice of the passing of an Interim Control By-law will be given in accordance with the applicable requirements of the Planning Act."

Implementation:

The provisions of Section D – Implementation of the Official Plan will apply to this Amendment.

This is Schedule "1" to By-law No. 98-283 , passed on the 10th day of November, 1998.

The Corporation of the

City of Hamilton

City Clerk

Mayor

Bill No. C-129

The Corporation of the City of Hamilton

BY-LAW NO. 98- 284

To Amend:

By-law No. 97-084

Respecting:

TARIFF OF PLANNING FEES

WHEREAS Section 69 of the Planning Act, R.S.O. 1990, Chapter P.13 requires the Council of the Corporation of the City of Hamilton to prescribe a tariff of fees by by-law;

AND WHEREAS By-law No. 97-084 which established a Tariff of Planning Fees was enacted on April 29, 1997;

AND WHEREAS the Council of The Corporation of the City of Hamilton, on November 10, 1998, in adopting Section 5 of the 19th Report of the Planning and Development Committee, authorized an amendment to By-law No. 97-084;

AND WHEREAS Section 220 of the Municipal Act authorizes municipalities to enact by-laws to impose fees on any class of person for services or activities provided on behalf of, or done by, the municipality;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Subsections (1), (2) and (3) of Section 1 of By-law No. 97-084 are repealed and replaced by the following:

The amount of the fee for each application referred to below shall be as follows:

(1) Application to Council by any person to initiate an amendment to the Official Plan under Section 17

(i) Phase 1 - Services up to the City Council Report $1,500.00

(ii) Phase 2 - Services subsequent to the Council resolution approving the application . . . . . $ 800.00

(2) Application to Council by any person to initiate a Zoning By-law under Section 34 (1) of the Planning Act

(i) A routine application $1,200.00

(ii) A complex application

(a) Phase 1 - Services up to the City Council Report $1,500.00

(b) Phase 2 - Services subsequent to the Council Resolution approving the application . . . . . $ 800.00

(3) Application by any person to initiate an application for the purpose of,

(i) site plan control under Section 41 . . . . . $1,500.00

(ii) revision to site plan control under Section 41 . . . . . $ 550.00

(iii) preliminary preview of a site plan . . . . . $ 550.00

(iv) processing a request for site plan approval exemption . . . . . $ 150.00

2. This by-law comes into force on the date of its passage.

PASSED this 10th day of November , 1998.

CITY CLERK

MAYOR

(a) that the Extension Agreement does not reduce the amount of the Cancellation Price.

(b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.

(c) that any person may pay the Cancellation Price at any time.

(d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.

(e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

(a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.

(b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this 10th day of November 1998, A.D.,

CITY CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

1)	PROPERTY ADDRESS	298 Hughson N.
	SERIAL NUMBER	02 01555 0730
	REDEMPTION DATE	September 29, 1999
2)	PROPERTY ADDRESS	4 Manning
	SERIAL NUMBER	07 08830 6900
	REDEMPTION DATE	July 27, 1999
3)	PROPERTY ADDRESS	26 Duncairn
	SERIAL NUMBER	08 09730 0200
	REDEMPTION DATE	July 27, 1999

Bill No. D-56

BY-LAW NO. 98 - 286

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 10th DAY OF NOVEMBER, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 10th day of November 1998

CITY CLERK

MAYOR

OMB Orders
1998 November 20

98-287 Official Plan Amendment 134 for 412 Charlton Avenue West OMB Order dated May 13, 1996.

98-288 Zoning By-law for 412 Charlton Avenue West – OMB Order datd May 13, 1996

Please note: The above by-laws are Ontario Municipal Board Orders only. No actual by-law was created.

OMB Orders
1998 November 20

98-287 Official Plan Amendment 134 for 412 Charlton Avenue West OMB Order dated May 13, 1996.

98-288 Zoning By-law for 412 Charlton Avenue West – OMB Order datd May 13, 1996

Please note: The above by-laws are Ontario Municipal Board Orders only. No actual by-law was created.

Bill No. C-130

The Corporation of the City of Hamilton

BY-LAW NO. 98- 289

To Amend:

By-law No. 97-140

Respecting:

THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PLAN

WHEREAS By-law No. 97-140 was enacted on June 24, 1997 under Section 35 of the Planning Act to adopt the Downtown Hamilton Community Improvement Plan;

AND WHEREAS the Plan was approved by the Minister of Municipal Affairs and Housing on July 22, 1997;

AND WHEREAS By-law No. 97-140 has been amended by By-law No. 98-122 and By-law No. 98-212;

AND WHEREAS the Planning and Development Committee held a public hearing on a proposed amendment to Schedule "A" of the Downtown Hamilton Community Improvement Plan, on November 4, 1998;

AND WHEREAS Council, on November 10, 1998, in adopting Section 3 of the 19th Report of the Planning and Development Committee, authorized a further amendment to the Downtown Hamilton Community Improvement Plan;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The paragraph entitled "Maximum Loan:" of Schedule "A" of the Downtown Hamilton Community Improvement Plan as enacted by By-law No. 98-212 is repealed and replaced by the following:

"Maximum Loan:	The lesser of cost or $12,000.00 per unit maximum for units 600 sq. ft. or less. Unit size in excess of 600 sq. ft. per unit qualifies for additional assistance at the rate of $20.00 per sq. ft. to a maximum of $20,000.00. The total loan for each deeded property shall not exceed $500,000.00."

2. The Director of Public Works and Traffic is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing,

   (a) for approval, as required by subsection 28(4) of the Planning Act, to this amending by-law adopting these amendments to the said

Community Improvement Plans;

(b) for approval, as required by subsection 28(8) of the community improvement provisions of the Planning Act, to be granted to the City by the Minister, to permit the City to offer the loans and other assistance at below market rates as provided for in the said Community Improvement Plans, as amended by this amending by-law, that would otherwise be bonuses prohibited by subsection 111(1) of the Municipal Act.

3. This By-law shall come into force and effect on the date the Minister grants the said two approvals.

PASSED this 24th day of November, 1998.

CLERK

MAYOR

Bill No. C- 131

The Corporation of the City of Hamilton

BY-LAW NO. 98 - 290

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED EAST OF UPPER SHERMAN AVENUE, WEST OF EAGLEWOOD DRIVE, NORTH OF DALIA AVENUE AND LOCATED AT THE REAR OF 1465 UPPER SHERMAN AVENUE

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-38C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc,) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

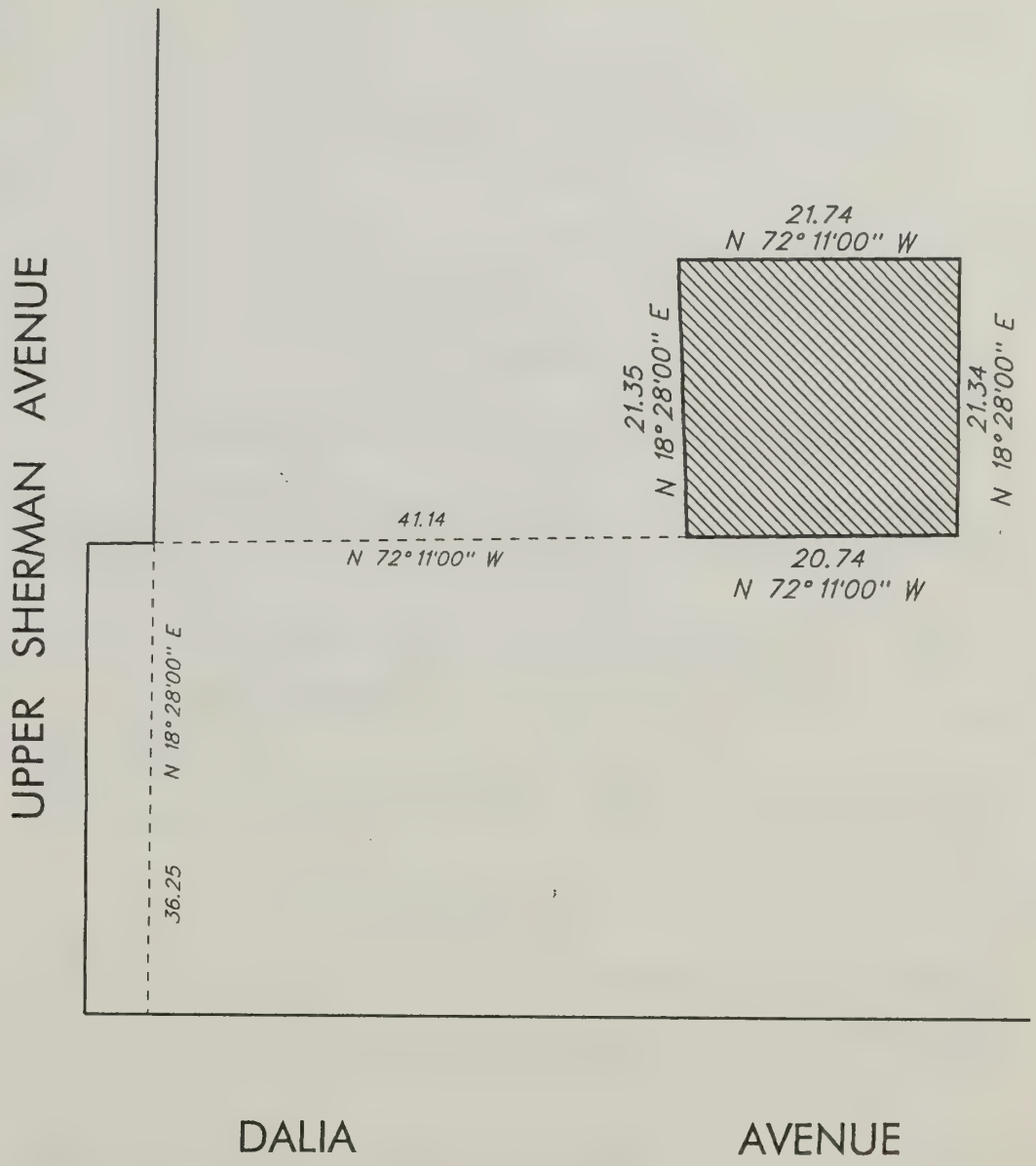
2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 24th day of November A.D. 1998

CLERK

MAYOR

(1998) 18 R.P.D.C. 2, October 27
Aurello Marrone and Laurie Marrone, Owners
ZAR-98-38



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98-131
Passed the 24TH day of NOVEMBER, 1998.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of By-Law No. 98-131

to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in Zoning from:

"AA" (Agricultural) District, to "C" (Urban Protected Residential, etc) District.

North	Scale	Reference File No.
	NOT TO SCALE	ZAR-98-38
	Date	Drawn By
	November 1998	B. B.

Bill No. C- 132

The Corporation of the City of Hamilton

BY-LAW NO. 98 - 291

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED NORTH OF STONE CHURCH ROAD EAST AND WEST OF THE FUTURE EXTENSION OF DISTIN DRIVE

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-18C of the District Maps appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

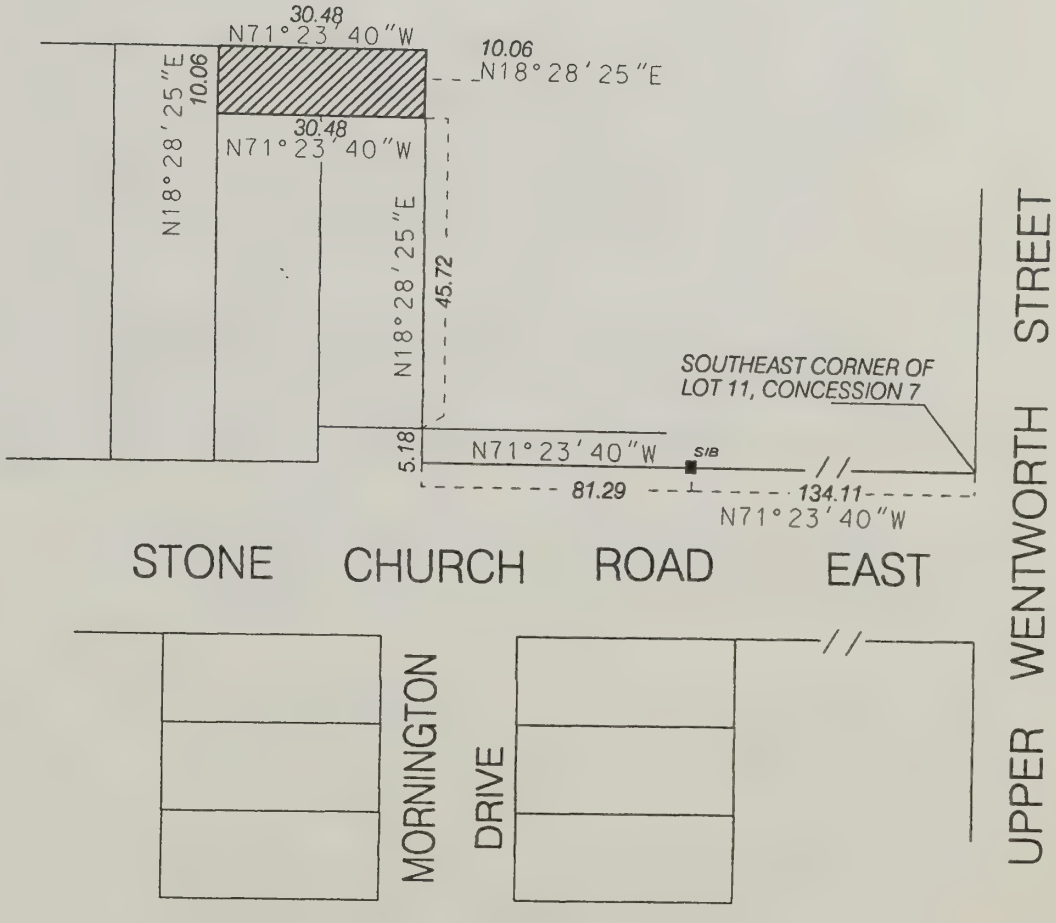
2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 24th day of November A.D. 1998

CLERK

MAYOR

(1998) 18 R.P.D.C. 3, October 27
Silvestri Investments, Owner
ZAC-98-36



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 98- 291
Passed the 24TH day of NOVEMBER, 1998.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 98- 291

to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in Zoning

From "AA" (Agricultrual) District to "C" (Urban Protected Residential, etc.) District

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-98-36
	Date	Technician
	November, 1998	JSims

Bill No.C-133

The Corporation of the City of Hamilton

BY-LAW NO. 98— *292*

To Remove
Land within the "Allison Estates, Phase 5" Subdivision, Plan 62M-853
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purposes of establishing maintenance easements shall not apply to the following lands:

   Lots 1 - 13, inclusive and Lots 15 – 22, inclusive, within Registered Plan Number 62M-853, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.

   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

   (c) This By-law shall expire on December 1, 1999.

PASSED this 24 day of November A.D. 1998.

Clerk

Mayor

200 Rymal Road Inc., owner
(1998) 20 R.P.D.C.(12) , November 24
PLC-98-09

Bill No. C- 134

The Corporation of the City of Hamilton

BY-LAW NO. 98- 293

To Adopt:

Official Plan Amendment No. 152

Respecting:

LANDS LOCATED AT 2434 BARTON STREET EAST WITHIN THE KENTLEY NEIGHBOURHOOD

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 152 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this 24th day of November A.D. 1998

CLERK

MAYOR

(1998) 17 R.P.D.C. (1), October 13
FDJ Holdings Inc., Owner
ZAC-98-23/2434 Barton Street East

Amendment No. 152

to the

City of Hamilton Official Plan

The following text, together with Schedule "A" - Land Use Concept of the Official Plan, attached hereto, constitute Official Plan Amendment No. 152.

Purpose:

The purpose of this Amendment is to redesignate a parcel of land from "Residential" to "Commercial" to permit commercial uses in conjunction with the existing building at 2434 Barton Street East.

Location:

The lands affected by this Amendment are located at the rear of the property known municipally as 2434 Barton Street East, within the Kentley Neighbourhood.

Basis:

The basis for permitting commercial uses in conjunction with the existing building at 2434 Barton Street East, is as follows:

1) In tandem with the other components of the overall development proposal, a more clear consolidation and delineation of the various land uses will occur; and,

2) The overall development will blend harmoniously with the existing streetscape and act as a complementary part of the neighbourhood.

Actual Changes:

Schedule "A" - Land Use Concept of the Official Plan be revised be re-designating the rear portion of the parcel of land known municipally as 2434 Barton Street East from "Residential" to "Commercial", as shown on the attached Schedule "A" of this Amendment.

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 98- 293 , passed on the 24 day of NOVEMBER 1998

The Corporation of the

City of Hamilton

Clerk

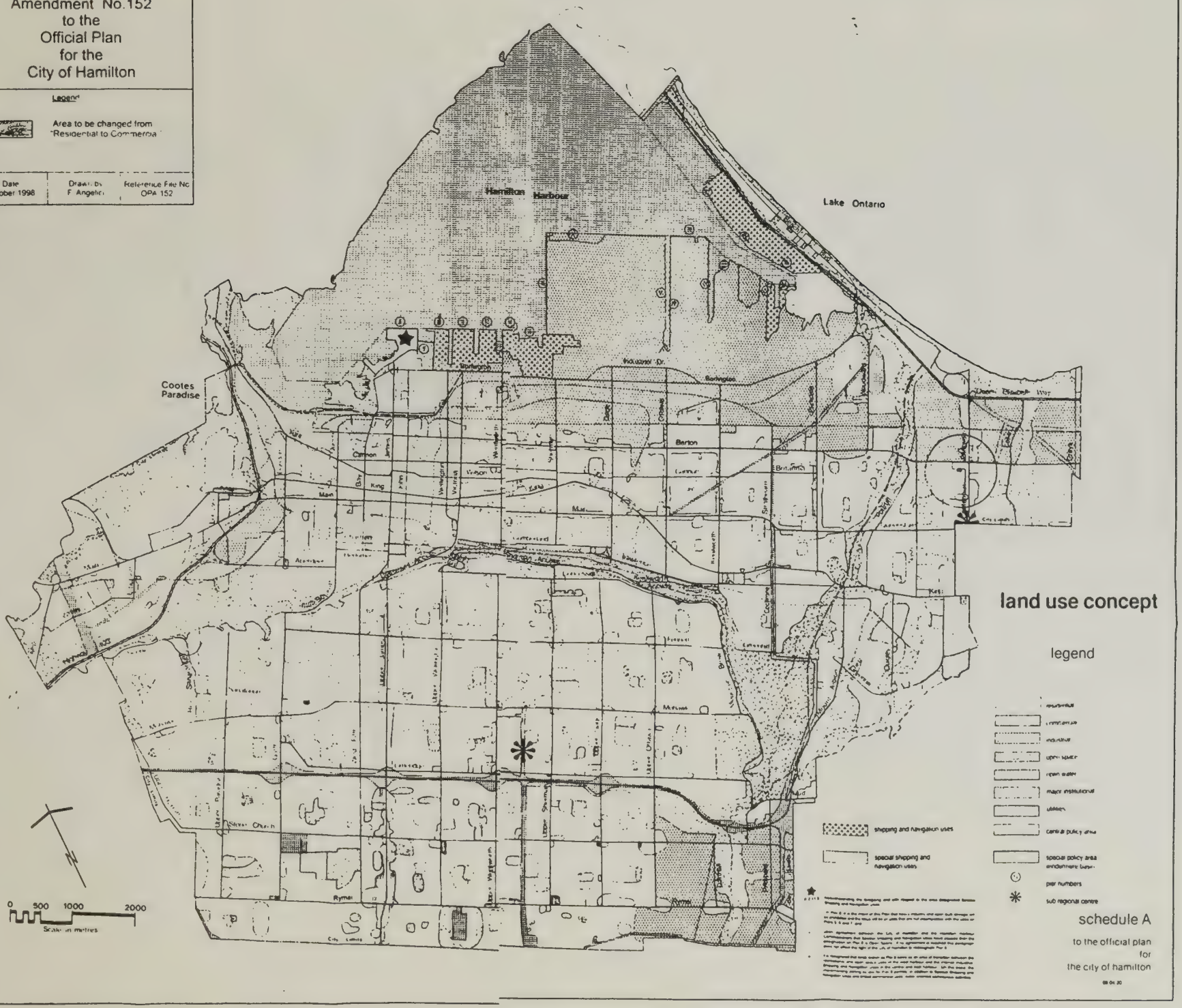
Mayor

Schedule "A"
Amendment No.152
to the
Official Plan
for the
City of Hamilton

Legend

Area to be changed from "Residential to Commercial"

Date	Drawn By	Reference File No
October 1998	F. Angelini	OPA 152



Bill No. C 135

The Corporation of the City of Hamilton

BY-LAW NO. 98- 294

To Adopt:

Official Plan Amendment No. 157

Respecting:

LANDS AND WATER LOCATED WEST OF EASTPORT DRIVE AND SOUTH OF PIER 25 (WINDERMERE BASIN)

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 157 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this 24th day of November A.D. 1998

CLERK

MAYOR

1998 20. R.P.D.C (14a), November 24
OPA 157

Amendment No. 157

to the

City of Hamilton Official Plan

The following text together with Schedule "A" – Land Use Concept, constitutes Official Plan Amendment No. 157 .

Purpose and Location:

The purpose of this Amendment is to redesignate land and water from "Special Policy Area: Windermere Basin" to "Open Space" and "Open Water", for lands and water located west of Eastport Drive, and south of Pier 25, and known as Windermere Basin.

Basis:

The basis for the redesignating the area for open space and open water uses is as follows:

1) the high visibility and accessibility of the subject area provide opportunities to improve the City's image by developing the lands for open space and low intensity cultural/recreational activities which will allow a more natural and "softer" landscape treatment;

2) there are a number of environmental considerations/constraints, which support the need to protect and enhance the environmental qualities of the area;

3) it is the last remaining open space opportunity on the south side of Hamilton Harbour;

4) the preliminary estimates indicate there is an adequate supply of land available in the City for heavy industry;

5) the area has no dockwall, therefore it is less attractive for shipping and navigation uses;

6) the location is central to a Provincial trail system including the Red Hill Creek Trail, Bruce Trail and Lake Ontario Waterfront Trail;

7) the open space uses will have less impact on nearby residential uses and will act as a buffer between the heavy industrial uses in the central Bayfront and the residential uses to the north and south; and,

8) the Basin is the mouth of the Red Hill Creek and provides an area to collect sediments from the up stream flow of the Creek.

Actual Changes:

1. Schedule "A" - Land Use Concept of the Official Plan be revised by:

   a) redesignating the subject area from "Special Policy Area: Windermere Basin" to "Open Space" and "Open Water"; and,

   b) deleting "Special Policy Area: Windermere Basin" from the legend.

2. Subsection A.2.5 – Open Water be revised by adding a new policy as follows:

   "A.2.5.4 Notwithstanding the designation of Windermere Basin as OPEN WATER and subject to policy A.2.9.3.2, the preferable uses for Windermere Basin are for aesthetic, ecological and scientific activities."

3. Delete Policy A.2.9.3.2 and replace with the following:

   "A.2.9.3.2 The following policies apply to the area designated as "Open Space" and "Open Water" on Schedule "A", and shown on Schedule "B" as SPECIAL POLICY AREA 4:

   i) In addition to the permitted uses set out in Subsection A.2.4 - Open Space Uses, a visitor centre, museum, trail centre and information centre uses will also be permitted;

   ii) It is recognized there is the potential for site contamination on the lands designated "Open Space" and accordingly, a Record of Site Condition will be required to be submitted to the Region and the Province prior to approval of any development;

   iii) An Environmental Impact Statement will be required prior to any development to evaluate the impacts of the proposal on the existing Environmentally Significant Areas and determine the impacts of encouraging habitat given present soil and water quality concerns; and,

   iv) Urban design guidelines for the area will be prepared based on the following basic principles:

a) Windermere Basin is a special area with wildlife and fish habitats. Accordingly, a minimum 9 m "landscape buffer" should be established around the entire edge Windermere Basin to enhance the wildlife and fish habitat and provide the potential for trails. The buffer could enhance the views of the area.

b) Structures should be designed with architectural interest and be enhanced by landscaping. Buildings should be sited to provide interesting views and, where possible, enhance vistas and focal points.

c) Street plantings and maintenance will add to the image of the area.

Implementation:

A Zoning By-law Amendment will give effect to the intended use of the subject lands.

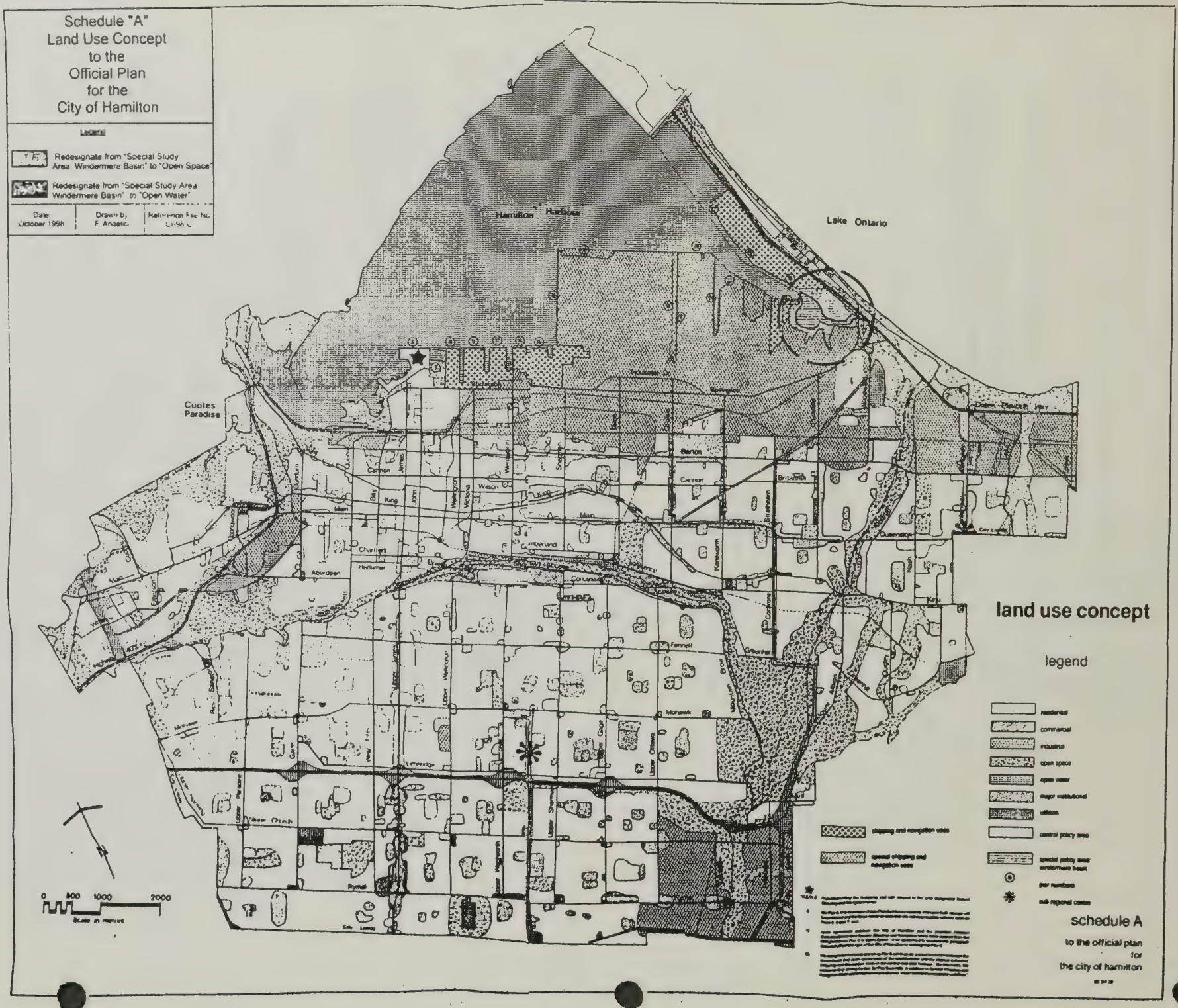
This is Schedule "1" to By-law No. 98-294, passed on the 24th day of November, 1998.

The Corporation of the

City of Hamilton

Clerk

Mayor


Schedule "A"
Land Use Concept
to the
Official Plan
for the
City of Hamilton
Legend
Redesignate from "Special Study Area Windermere Basin" to "Open Space"
Redesignate from "Special Study Area Windermere Basin" to "Open Water"
Date
October 1998
Drawn by
F. Angelic
Hamilton Harbour
Lake Ontario
Cootes Paradise
land use concept
legend
residential
commercial
industrial
open space
open water
major institutional
utilities
central policy area
special policy area windermere basin
civic numbers
sub regional centre
shipping and navigation uses
special shipping and navigation uses
0 500 1000 2000
schedule A
to the official plan
for
the city of hamilton

Bill No. C- 136

The Corporation of the City of Hamilton

BY-LAW NO. 98- 295

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED WEST OF EASTPORT DRIVE, SOUTH OF PIER 25 KNOW AS WINDERMERE BASIN

WHEREAS it is intended to change the zoning of the lands and to establish special requirements under Section 19B of By-law No. 6593, hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the Corporation of the City of Hamilton passed By-law No. 83-240 on the 27th day of July 1983, to rezone the lands in the East and West Harbour, and with respect to the Windermere Basin established zoning of the land below water and including the existing water area as "L-s" (Planned Development – Special Study Area) District, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A-6";

AND WHEREAS the Council of the Corporation of the City of Hamilton passed By-law No. 83-259 on the 31st day of August 1983, to amend By-law No. 83-240 in order to clarify the application of the by-law;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 157, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet Nos. E-70, E-80, E-80a, E-80b and E-80c of the District Maps, appended to and forming part of By-law No. 6593, is amended,

   (a) by changing from "L-s" (Planned Development - Special Study Area) District to "A" - 'H' (Conservation, Open Space, Park and Recreation - Holding) District, the land comprised in Blocks "1", "2" and "3"; and,

   (b) by changing from "L-s" (Planned Development - Special Study Area) District to "F-2" (Open Space - Harbour) District, the land comprised in Block "4",

the extent and boundaries of each of which Blocks 1, 2, 3 and 4 are shown on a plan hereto annexed as Schedule "A".

2. (a) The 'H' symbol applicable to the land referred to in section 1(a) shall be removed conditional on:

(1) the owner submitting a signed Record of Site Condition (RSC) to the Region of Hamilton-Wentworth and the Ontario Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE;

(2) the owner submitting an Environmental Impact Statement (EIS) to the satisfaction of the Commissioner of Regional Environmental Services to evaluate the impacts of the specific proposals on the existing Environmentally Significant Areas (ESAs) and determine impacts of encouraging habitat given present soil and water quality concerns; and,

(3) the owner preparing and submitting a stormwater management plan to the satisfaction of the Commissioner of Regional Environmental Services and the Hamilton Region Conservation Authority;

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1(a) may at such time proceed in accordance with the "A" District provisions, subject to the special requuirements in Section 3 of this By-law.

3. That the "A" (Conservation, Open Space, Park and Recreation) District provisions, as contained in Section 7 of Zoning By-law No. 6593, applicable to the land comprised in Blocks "1", "2" and "3", are amended to the extent only of the special requirement that,

(a) That notwithstanding Section 7(1) of Zoning By-law No. 6593, the following uses shall also be permitted:

(i) Visitor Centre, Museum, Trail Centre, and Information Centre,
(ii) Accessory Uses
1. Accessory buildings, structures, or uses.
2. Refreshment stand.
(iii) Business Identification Signs that are Ground Signs or Wall Signs of an occupancy or use of land on which the sign is situate.

(b) Every sign shall conform with the following requirements:

(i) No sign shall exceed 2.0 m in vertical dimension.
(ii) The total aggregate area of all signs shall not exceed 0.5 square metres for every 0.5 m of frontage on which the lot abuts.
(iii) Every wall sign shall be parallel to the wall to which it is affixed.
(iv) No sign shall be illuminated unless the source of light is steady and suitably shielded to contain illumination

(c) Clauses (iii), (iv) and (v) of Section 7.(1) of Zoning By-law No. 6593 shall not be permitted.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "A" District provisions, subject to the special requirements referred to in section 3.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1418.

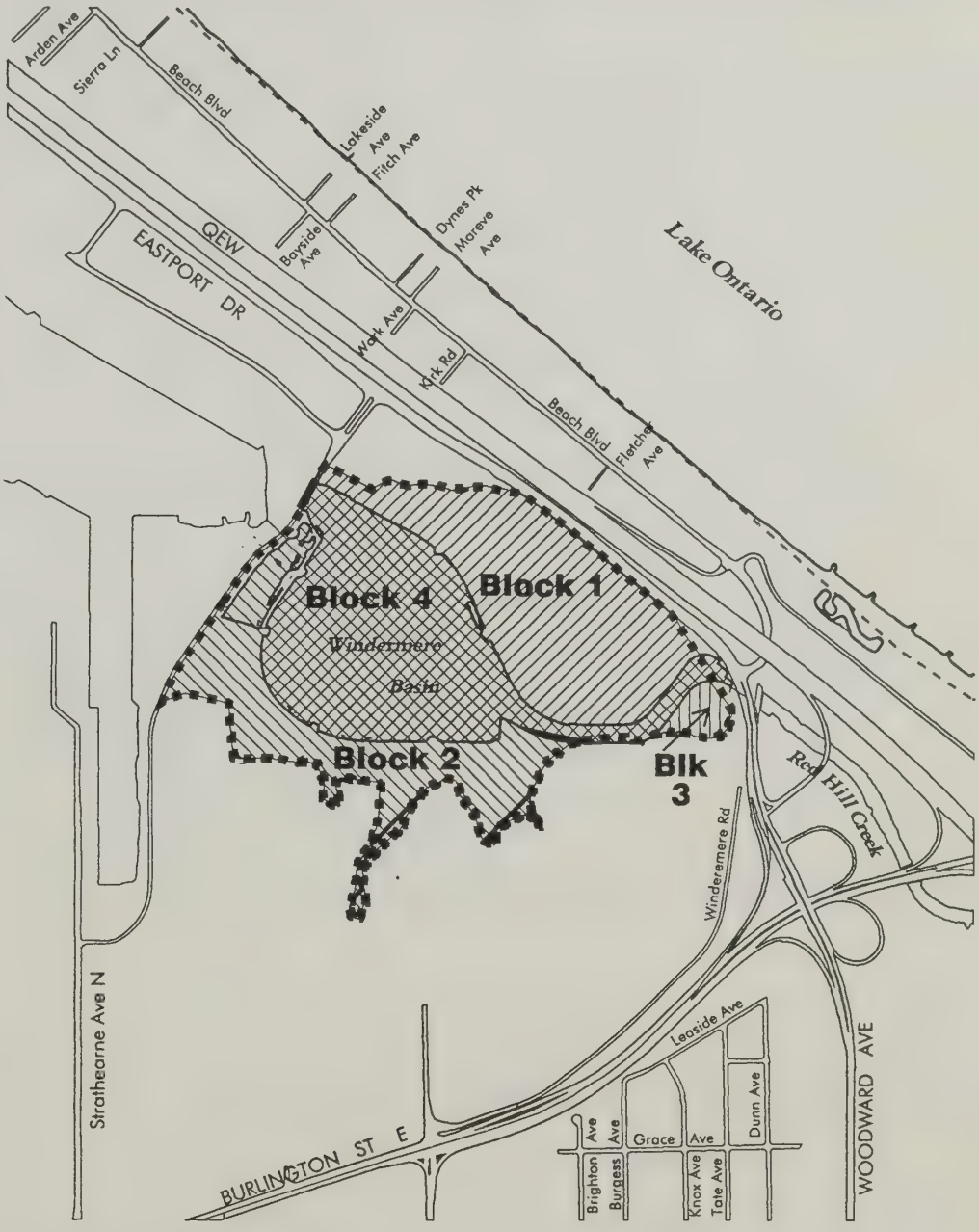
6. Sheet Nos. E-70, E-80, E-80a, E-80b and E-80c of the District Maps is amended by marking the lands referred to in section 3 of this by-law, S-1418.

7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 24th day November A.D. 1998.

CLERK MAYOR

(1998) 20 R.P.D.C. 14(b), November 24
CI-98-C



This is Schedule "A" to By-Law No. 98-295
Passed the 24TH day of NOVEMBER, 1998.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 98- 295

to Amend By-Law No. 6593

Planning and Development Department

Legend

Blocks

1 Change in Zoning from:

2 "L-s" (Planned Development - Special Study) District to "A" 'H' (Conservation, Open Space and Recreation - Holding) District.

3

Block 4 "L-s" (Planned Development - Special Study) District to "F-2" (Open Water) District.

North	Scale	Reference File No.
	NOT TO SCALE	CI-98-C
	Date October 1998	**Drawn By** B. B.

Bill No. C- 137

The Corporation of the City of Hamilton

BY-LAW NO. 98- 296

To Establish:

Site Plan Control

Respecting:

LAND LOCATED WEST OF EASTPORT DRIVE , SOUTH OF PIER 25,

KNOWN AS WINDERMERE BASIN

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 98-173, passed on the 30th day of June 1998, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

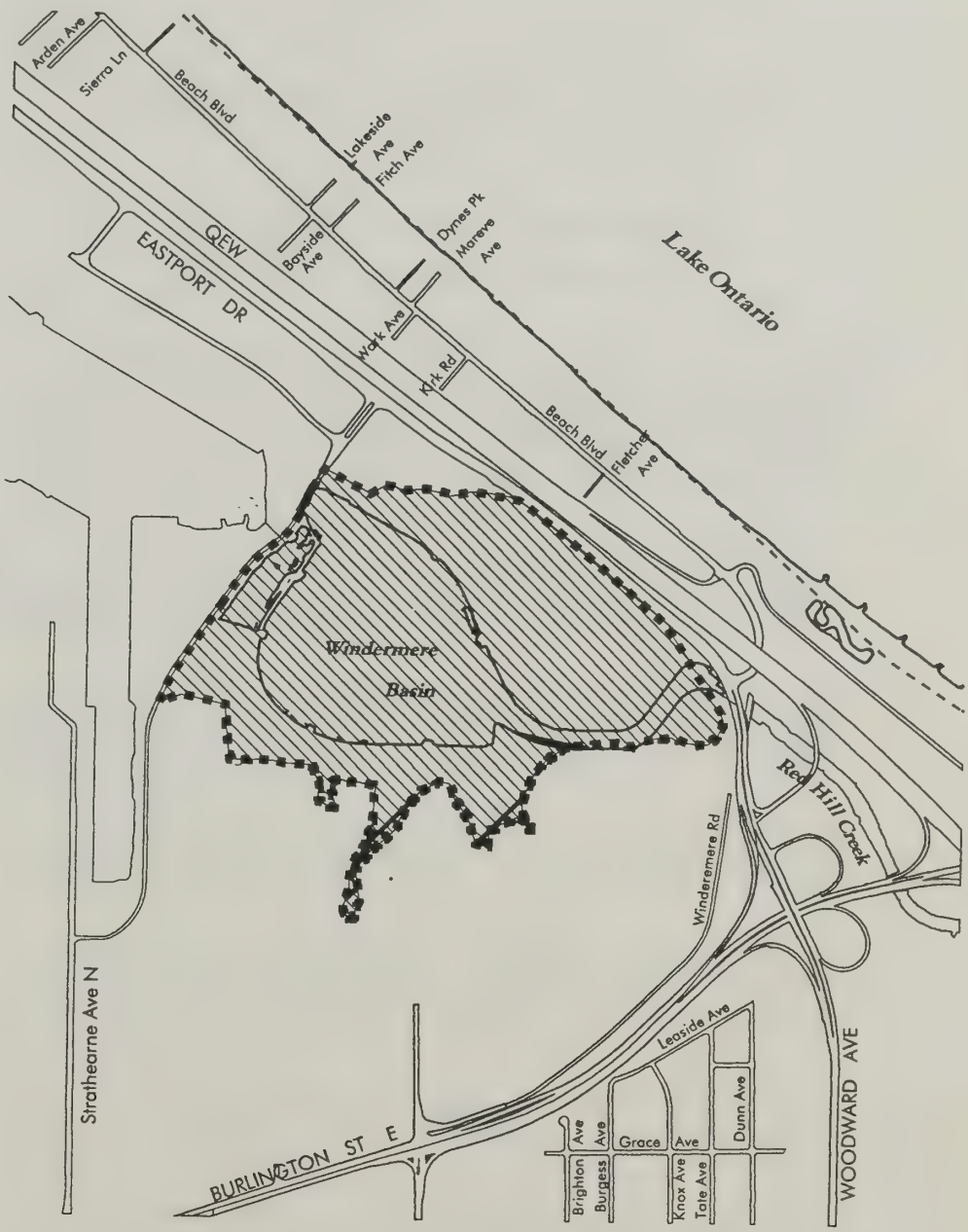
   179. Land located at west of Eastport Drive, south of Pier 25 (known as Windermere Basin), shown on Appendix 179 hereto annexed and forming part of this by-law.

2. Appendix 179 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this 24th day of November A.D. 1998

CLERK MAYOR

(1998) 20 R.P.D.C. 14c , November 24
CI-98-C



This is Schedule "A" to By-Law No. 98-296
Passed the 24TH day of NOVEMBER 1998.

Clerk

Mayor

City of Hamilton

Appendix 179

to the By-Law No. 79-275

as Amended by By-Law No. 87-223

Planning and Development Department

Legend

Lands designated under this By-Law as an area of Site Plan Control pursuant to section 41 of the Planning Act, R. S. O. 1990.

North	Scale	Reference File No.
	NOT TO SCALE	CI-98-C
	Date	Drawn By
	November 1998	B. B.

Bill No. D-57

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.98- 297

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

   (b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.

2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

(a) that the Extension Agreement does not reduce the amount of the Cancellation Price.

(b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.

(c) that any person may pay the Cancellation Price at any time.

(d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.

(e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

(a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.

(b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this 24th day of November 1998, A.D.,

MUNICIPAL CLERK **MAYOR**

SCHEDULE "A"
EXTENSION AGREEMENTS

1)	PROPERTY ADDRESS	760 Knox
	SERIAL NUMBER	05 04030 2900
	REDEMPTION DATE	September 29, 1999

Bill No. D-58

BY-LAW NO. 98 - 298

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 24th DAY OF NOVEMBER, 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 24th day of November 1998

MUNICIPAL CLERK

MAYOR

AY DN H13c A03

91

Bill No. A-80

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 299

BEING A BY-LAW TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 10 (Stops at Intersections)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following items, namely:-

"Highridge	Eastbound and Westbound	Isle
High	Northbound and Southbound	Sherwood Rise"

and by deleting therefrom the following item, namely:-

"Brigade	Eastbound and Westbound	Republic"

2. That **Schedule 23 (Hamilton Street Railway Bus Stops)** of said By-law is hereby amended by adding to the **"Outbound"** column thereof the following items, namely:-

"Centennial, 47 feet south of Arrowsmith (N/S)

Centennial, 62 feet south of Goderich (N/S)"

and by adding to the **"Inbound"** column thereof the following items, namely:-

"Centennial, 19 feet north of Goderich

Centennial, 49 feet north of Arrowsmith"

3. That **Schedule 28 (Taxi Stands)** of the said By-law is hereby amended by deleting therefrom the following item, namely:-

"Hess	West	60 feet	82 feet north of York	7:00 a.m. - 6:00 p.m. Monday to Friday"

4. That **Schedule 29 (No Stopping Areas - No Stopping Anytime)** of the said By-law is hereby amended by adding thereto the following items, namely:-

"Bay	West	Barton to Strachan	4-6 p.m.	Mon-Fri
Brampton	North	commencing 181 feet west of Brighton and extending 140 feet westerly therefrom		Anytime"

and by deleting therefrom the following item, namely:-

"Bay	West	Barton to Burlington	4-6 p.m.	Mon-Fri"

5. That **Schedule 35 (Wheelchair Loading Zones)** of the said By-law is hereby amended by adding thereto the following items, namely:-

"Edgemont	West	26 feet	23 feet south of Dunsmure	8:00 a.m. to 6:00 p.m.
Ferndale	East	28 feet	140 feet south of Dunkirk	Anytime"

and by deleting therefrom the following item, namely:-

"Ferndale	East	28 feet	121 feet south of Dunkirk	Anytime"

6. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

7. This By-law shall come into force and take effect upon the date of its passing and enactment.

PASSED this 8th day of December 1998.

MUNICIPAL CLERK

MAYOR

Bill No. A-81

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-300

BEING A BY-LAW TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 25 (Parking Time Limits)** of By-law 89-72, as amended, is hereby further amended by deleting therefrom the following item, namely:-

"Brant	Both	Wentworth to Niagara	1 hr	8 am - 8 am (24 hrs)	Mon-Sat"

2. That **Schedule 26 (No Parking Areas)** of the said By-law is hereby amended by adding thereto the following item, namely:-

"Tragina	West	commencing at Britannia and extending 260 feet northerly therefrom	Anytime"

3. That **Schedule 27 (Alternate Side Parking)** of the said By-law is hereby amended by adding thereto the following items, namely:-

"Tragina Avenue 323 feet north of Britannia Avenue to Barton Street	West	
Tragina Avenue 345 feet north of Britannia Avenue to Barton Street		East
Colin Crescent End to End	West	East"

and by deleting the following item, namley:-

"Tragina Avenue Britannia Avenue to Barton Street	West	East"

4. That **Schedule 34 (Sticker Permit Parking)** of the said By-law is hereby amended by adding thereto the following items, namely:-

"Niagara	West	commencing 50 feet north of Brant and extending 105 feet northerly therefrom	Anytime
Tragina	East	commencing at Britannia and extending 263 feet northerly therefrom	Anytime
Ray	East	commencing 212 feet north of York and extending 17 feet northerly therefrom	Anytime
Fairfield	West	commencing 471 feet north of Vansitmart and extending 19 feet northerly therefrom	Anytime"

and by deleting therefrom the following item, namely:-

"Brant	Both	Wentworth to Niagara	Anytime"

5. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

6. This By-law shall come into force and take effect upon the date of its passing and enactment.

PASSED this 8th day of December 1998.

MUNICIPAL CLERK

MAYOR

Bill No. A-82

THE CITY OF HAMILTON

BY-LAW NO. 98-301

TO AMMEND BY-LAW NO. 98-110

RESPECTING:

THE CONSTRUCTION, MAINTENANCE, OPERATION,MANAGEMENT AND REGULATION OF MUNICIPAL PARKING FACILITIES

WHEREAS Sub-section 56 of Section 207 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, confers upon the councils of all municipalities the authority to acquire, establish, lay out and improve land, buildings, and structures where vehicles may be parked, and for erecting buildings or structures for, or in connection with, the parking of vehicles;

AND WHEREAS Sub-sectioin 56 of Section 207 of the Municipal Act, as amended, further provides for the regulation, supervision and governing of the parking of vehicles on land so acquired, established, laid out and improved;

AND WHEREAS Paragraph (6) of Section 191 of the Municipal Act, as amended, confers upon the councils of every corporation the authority to pass by-laws providing for the use by the public of lands of which the corporation is the owner and for the regulation of such use and the protection of such lands;

AND WHEREAS the Council of the City of Hamilton, at its meeting held on the 14th day of April, A.D. 1998, did enact By-law No. 98-110, providing for the construction, maintenance, operation, management and regulation of municipal parking facilities;

AND WHEREAS the Council of the City of Hamilton deems it necessary and appropriate to amend By-law 98-110;

NOW THEREFORE The Council of the City of Hamilton enacts as follows:

1. That **Schedule 1** of By-law 89-110 is hereby amended by adding thereto the following items, namely:-

"7	171 Main Street East	$ 0.50	$ 0.50	$ 3.00	$ 50.00
8	293-297 King Street	$ 0.50	$ 0.50	$ 3.00	$ 50.00
39A	314 Grosvenor Avenue N.	$ 0.50	$ 0.24	N/A	N/A"

and by deleting therefrom the following item, namely:-

"7	171 Main Street East	$ 1.10	$ 0.50	NONE	$ 50.00
8	293-297 King Street	$ 1.10	$ 0.55	$ 4.00	$ 50.00"

2. In all other respects, By-law 98-110 and the Schedule attached thereto is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 8th day of December , A.D. 1998

Municipal Clerk

Mayor

Bill No. A-83

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 302

TO STOP-UP AND CLOSE A PORTION OF SCENIC DRIVE DESIGNATED AS PARTS 1, 2 & 3, ON PLAN 62R-14782, AND TO RETAIN PARTS 1 & 3, ON PLAN 62R-14782, AND TO SELL PART 2, ON PLAN 62R-14782

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45, and amendments thereto, to establish and layout, widen, alter, divert, stop-up, lease, close, sell or retain any highway or part of a highway;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 2 of the 11th Report of the Transport and Environment Committee on 1998 October 13, authorized the City to stop-up, and close, that portion of Scenic Drive, designated as Parts 1, 2 and 3, on Plan 62R-14782 and to retain Parts 1 & 3, on Plan 62R-14782 and to sell Part 2, on Plan 62R-14782.

AND WHEREAS The Corporation of the City of Hamilton is the owner of the above described land;

AND WHEREAS notice of the City's intention to pass this By-law has been published as required by Section 300 of the Municipal Act for four consecutive weeks in the Hamilton Spectator, a newspaper having general circulation in the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, no matter whether in objection to or in support of this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That a portion of Scenic Drive designated as Parts 1, 2 and 3, on Plan 62R-14782.

   City of Hamilton
   Regional Municipality of Hamilton-Wentworth
   Are hereby stopped up and closed

2. That the portion of Scenic Drive designated as Parts 1 and 3, on Plan 62R-14782 be retained.

3. That the portion of Scenic Drive designated as Part 2, on Plan 62R-14782 be sold to Mr. Frank Papalia as approved by City Council on 1998 October 13, in adopting Item 2 of the 11th Report of the Transport and Environment Committee for the sum of $13,385.00.

4. That this By-law shall come into force and take effect on the date of its registration and the Commissioner of Transportation/Environmental Services is hereby authorized to register this By-law.

PASSED this 8th day of December A.D. 1998

Municipal Clerk

Mayor

Bill No. A-84

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 303

TO INCORPORATE CITY LAND
DESIGNATED AS PART 5, ON PLAN 62R-10520
INTO AN EXISTING ALLEY

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as the alley running east from Hughson Street and north of Main Street, within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of the alley.

   Part of Lots 21, 22 and 23, Registered Plan 1431, designated as Part 5, on Plan 62R-10520.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said land as a public highway.

3. This By-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 8th day of December A.D. 1998

Municipal Clerk

Mayor

Bill No. **B-2**

The Corporation of the City of Hamilton

BY-LAW NO. 98-304

To Amend By-law No. 85-148

Respecting:

DOG LICENCE FEES

WHEREAS By-law No. 85-148, passed on the 30th day of July 1985, provides for the control and licensing of dogs;

AND WHEREAS Schedule "A" annexed thereto and forming part of By-law No. 85-148 provides for licensing fees;

AND WHEREAS City Council, on December 8, 1998, in adopting Section 13 of the 12th Report of the Parks and Recreation Committee, directed that Schedule "A" to By-law No. 85-148 be amended to reflect increased fees for 1999;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Schedule "A" to By-law No. 85-148, as amended, is repealed and the following is substituted therefor:

SCHEDULE "A"
(Section 20)

(1) Where a licence is issued during the period from January 1, 1999 to December 31, 1999, the licence fees shall be in the amount as follows:

1. One spayed or neutered dog $21.00
2. Each additional spayed or neutered dog 21.00
3. One not spayed or neutered dog $41.00
4. Each additional not spayed or neutered dog $41.00

(2) Despite subsection 1, the following reduced fees apply to licences issued to dog owners over 65 years of age or dog owners who are receiving a disability pension.

1. One spayed or neutered dog $6.00
2. Each additional spayed or neutered dog $6.00
3. One not spayed or neutered dog $11.00
4. Each additional not spayed or neutered dog $11.00

2. In all other respects By-law No. 85-148 is hereby confirmed unchanged.

PASSED this 8th day of December, 1998.

MUNICIPAL CLERK

MAYOR

Bill No. C-138

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98- 305

TO EXPROPRIATE LAND

FOR WALKWAY AND MUNICIPAL PURPOSES

WHEREAS Section 191 of The Municipal Act, R.S.O. 1990, Chapter M.45, states that the Council of a municipality may pass by-laws for acquiring or expropriating any land required for the purposes of the Corporation;

AND WHEREAS on August 26, 1997, pursuant to The Expropriations Act, R.S.O. 1990, Chapter E.26, The Corporation of the City of Hamilton, as expropriating authority, did authorize application to the Council of The Corporation of the City of Hamilton as approving authority, for approval of the expropriation of land described in clause 1. below;

AND WHEREAS the said land is required for the purpose of establishing a pedestrian walkway and other municipal purposes;

AND WHEREAS Notices of the said application as required under The Expropriations Act have been duly served upon those entitled;

AND WHEREAS The Corporation of the City of Hamilton as expropriating authority, did publish Notice of the said application in The Spectator, a newspaper having general circulation in the City of Hamilton in accordance with the said Expropriations Act;

AND WHEREAS pursuant to the said Expropriations Act, an inquiry hearing to determine if the proposed expropriation was fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority was requested and held;

AND WHEREAS at its meeting on October 27, 1998, in adopting Item 1 of the 24th Report of the Committee of the Whole, the Council of The Corporation of the City of Hamilton, as approving authority, having received the report of the said Inquiry Officer, did approve the application for approval to expropriate.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. As an expropriating authority under The Expropriations Act, The Corporation of the City of Hamilton hereby expropriates for walkway and municipal purposes the following land:

   Part of Lot 14, Registrar's Compiled Plan 1391,
   designated as Part 5, on Reference Plan 62R-14129,
   in the City of Hamilton,
   in the Regional Municipality of Hamilton-Wentworth.

2. The Municipal Clerk and the proper officers of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to implement and give effect to the provisions of this by-law and this authority shall include the taking of all necessary proceedings to enter and take possession of the land herein expropriated.

PASSED this 8th day of December A.D., 1998.

Municipal Clerk

Mayor

October 27, 1998, Item 1 of the 24th C.O.W (P&D)
Files: 55-0/97.1 and 100-7/98.1

Bill No. C-139

The Corporation of the City of Hamilton

BY-LAW NO. 98— 306

To Remove
Land within the "Olmsted Park, Phase 1" Subdivision, Plan 62M-864
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control. --** Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law. --** A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval. --** An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law. --** A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period. --** The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal. --** The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purposes of establishing maintenance easements shall not apply to the following lands:

   Lots 1 - 15, inclusive, within Registered Plan Number 62M-864, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.

   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

   (c) This By-law shall expire on December 15, 1999.

PASSED this 8 day of December A.D. 1998.

Municipal Clerk

Mayor

Paul Silvestri., owner
(1998) R.P.D.C. , December 8
PLC-98-04

Bill No. C- 140

The Corporation of the City of Hamilton

BY-LAW NO. 98- 307

To Repeal By-law No. 98-294
To Adopt Official Plan Amendment No. 157

Respecting:

LANDS AND WATER LOCATED WEST OF EASTPORT DRIVE AND SOUTH OF PIER 25 (WINDERMERE BASIN)

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No.98-294 on the 24th day of November, 1998 to adopt Official Plan Amendment No. 157 respecting lands and water located west of Eastport Drive and south of Pier 25 (Windermere Basin);

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section of the 23rd Report of the Planning and Development Committee at its meeting held on the 8th day of December, 1998, recommended that By-law No. 98-294 be repealed.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 98-294 is hereby repealed.

PASSED this 8th day of December A.D. 1998

MUNICIPAL CLERK

MAYOR

(1998) 23 R.P.D.C. ( ), December 8

Bill No. C- 141

The Corporation of the City of Hamilton

BY-LAW NO. 98- 308

To Repeal:

Zoning By-law No. 98-295

Respecting:

LANDS LOCATED WEST OF EASTPORT DRIVE, SOUTH OF PIER 25 KNOWN AS WINDERMERE BASIN

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 98-295 on the 24th day of November 1998 to amend Zoning By-law No. 6593, as provided for therein, in respect of the above-captioned lands;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section of the 23rd Report of the Planning and Development Committee at its meeting held on the 8th day of December, 1998, recommended that By-law No. 98-295 be repealed.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 98-295 is hereby repealed.

PASSED this 8th day of December A.D. 1998

MUNICIPAL CLERK

MAYOR

(1998) 23 R.P.D.C. ( ), December 8
CI-98-C

Bill No. D-59

The Corporation of the City of Hamilton

BY-LAW NO. 98- 309

To Authorize the Temporary Borrowing of Monies to Meet Current Expenditures Pending Receipt of Current Revenues.

WHEREAS section 187(1) of the Municipal Act, R.S.O. 1990, as amended, provides as follows:

"A council may by by-law either before or after the passing of the by-law for imposing the rates for the current year authorize the head and treasurer to borrow from time to time by way of promissory note or banker's acceptance such sums as the council considers necessary to meet, until the taxes are collected and other revenues are received, the current expenditures of the corporation for the year, including the amounts required for sinking funds,, principal and interest falling due within the year upon any debt of the corporation, school purposes, special rates purposes, and for any board, commission or body and other purposes for which the corporation is required by law to provide";

AND WHEREAS Section 187(2) of the said Act, as amended by the Municipal Statute Law Amendment Act, S.O. 1992, c. 15 provides as follows:

"The amount that may be borrowed at any one time for the purposes mentioned in subsection (1), together with the total of any similar borrowings that have not been repaid, shall not, except with the approval of the Ontario Municipal Board, exceed from January 1st to September 30th of the year, 50 percent of the total, and from October 1st to December 31st, 25% of the total of the estimated revenues of the corporation as set forth in the estimates adopted for the year";

AND WHEREAS the Council of the Corporation of the City of Hamilton (hereinafter called the "Municipality") in adopting Item 1 of the Twenty-Fourth Report of the Finance and Administration Committee on December 1, 1998 authorized the temporary borrowing of monies to meet current budget expenditures for the year 1999 pending receipt of current revenues;

NOW THEREFORE the Council of The Corporation of the City of Hamilton hereby enacts as follows:

1. (1) The Mayor and Treasurer are hereby authorized on behalf of the Corporation of the City of Hamilton to borrow from time to time by way of promissory note from the **CANADIAN IMPERIAL BANK OF COMMERCE** a sum or sums of monies not exceeding at any one time the amounts specified in subsection (2) to pay off temporary bank overdrafts for the current expenditures of the Corporation for the year 1999 and to give to the Bank on behalf of the Corporation a promissory note or notes, sealed with the Corporate Seal and signed by the Mayor and Treasurer, for the monies so borrowed, together with interest at such rate as may be agreed upon from time to time with the Bank.

(2) The amount of monies that may be borrowed at any one time for the purposes of subsection (1), together with the total of any similar borrowings that have not been repaid, shall not, except with the approval of the Ontario Municipal Board, exceed from January 1st to September 30th of the year, 50 percent of the total, and from October 1st to December 31st, 25% of the total of the estimated revenues of the corporation as set forth in the estimates adopted for the year.

2. (1) Until estimates of revenue of the Corporation for the 1999 year are adopted, borrowing shall be limited to the estimated revenues of the Corporation as set forth in estimates adopted for the next preceding year.

(2) The total estimated revenues of the Corporation, including the amounts levied for Region and Education purposes, adopted for the year 1998 are Five Hundred and Forty Million, Seven Hundred and Twenty Nine Thousand and Two Hundred and Ninety Dollars ($540,729,290.00).

3. All sums borrowed pursuant to the authority of this by-law, together with any and all similar borrowings in the current year and in previous years that have not been repaid shall, together with interest thereon, be a charge upon the whole of the revenues of the Corporation for the current year and for all preceding years, as and when such revenues are collected or received.

4. The Treasurer shall, and is hereby authorized and directed to, apply in payment of all sums borrowed pursuant to this by-law, together with interest thereon, all of the monies thereafter collected or received for the current and preceding years, either on account or realized in respect of taxes levied for the current year and preceding years or from any other sources which may lawfully be applied for such purpose.

5. By-law 98-31 is repealed.

6. This by-law shall come into force and effect on the 1st day of January, 1999, and shall remain in force and effect until December 31, 1999.

PASSED this **8th** day of **December** A.D., **1998**

MUNICIPAL CLERK

MAYOR

Bill No.D-60

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.98-310

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

   (b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and Municipal Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.

2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

(a) that the Extension Agreement does not reduce the amount of the Cancellation Price.

(b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.

(c) that any person may pay the Cancellation Price at any time.

(d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.

(e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

(a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.

(b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this 8th day of December 1998, A.D.,

MUNICIPAL CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

1) PROPERTY ADDRESS — 98 WEST AVE. N.
SERIAL NUMBER — 03 02125 2110
REDEMPTION DATE — SEPTEMBER 29, 1999

2) PROPERTY ADDRESS — 39 RUTHERFORD AVE.
SERIAL NUMBER — 03 02420 0580
REDEMPTION DATE — SEPTEMBER 15, 1999

Bill No. 61

The Corporation of the City of Hamilton

BY-LAW NO. 98- 311

To Amend:

By-law No. 98-217

Respecting:

THE LEVYING OF TAXES FOR THE YEAR 1998

WHEREAS By-law No. 98-217 was enacted on August 12, 1998 to levy the 1998 tax rates;

AND WHEREAS the Province of Ontario has announced that the Municipal Act will be further amended to place certain tax increase caps on the Commercial and Industrial tax categories;

AND WHEREAS the City Council enacted By-law No. 98-265 to authorize the General Manager, Finance to defer the issuance of the final tax instalment for all Commercial and Industrial categories until December 15, 1998;

AND WHEREAS the Fairness for Property Taxpayers Act, 1998 has not been enacted as of November 24, 1998;

AND WHEREAS Council, on November 24, 1998, in adopting Section 4 of the 23rd Report of the Finance and Administration Committee authorized a further deferral of the issuance of the final tax instalment for 1998 for the industrial and commercial categories;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

The General Manager, Finance is authorized to defer the issuance of the final tax instalment for 1998 for the commercial and industrial categories until January 15, 1999 or such earlier date as Council may direct.

PASSED this 8th day of December 1998.

MUNICIPAL CLERK

MAYOR

Bill No. D-62

BY-LAW NO. 98 - 312

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 8th DAY OF DECEMBER 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the Municipal Clerk, or in the absence of the Municipal Clerk, the Acting Municipal Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 8th day of December 1998

MUNICIPAL CLERK

MAYOR

Bill No. D-63

BY-LAW NO. 98 - 314

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 15th DAY OF DECEMBER 1998.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the Municipal Clerk, or in the absence of the Municipal Clerk, the Acting Municipal Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 15th day of December 1998

MUNICIPAL CLERK

MAYOR

Bill No. D-64

The Corporation of the City of Hamilton
BY-LAW NO. 98- 313
To Establish Interim Control
Respecting:

LANDS LOCATED WEST OF EASTPORT DRIVE, SOUTH OF PIER 25 KNOWN AS WINDERMERE BASIN

WHEREAS the Council of the Corporation of the City of Hamilton has recent cause for concern with the validity of Zoning By-laws 83-232 and 83-240 as amended by By-law 83-259, as they apply to the area described in Schedule "A" attached hereto;

AND WHEREAS the lands described in Schedule "A" affected by By-law 83-232 and 83-240 as amended by By-law 83-259 may lack appropriate zoning controls;

AND WHEREAS Council of The Corporation of the City of Hamilton recognizes the strategic location of the lands described in Schedule "A";

AND WHEREAS subsection 38 of *The Planning Act*, R.S.O. 1990 Chapter p.13 as amended provides as follows:

> 38.(1) Where the council of a local municipality has, by by-law or resolution, directed that a review of study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law.

AND WHEREAS a study was undertaken in regard to the area described in Schedule "A" attached hereto;

AND WHEREAS additional information, consultation and study is necessary in order to determine the appropriate official plan designation and zoning provisions for the area described in Schedule "A" attached hereto;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. It is hereby directed that a study be undertaken in respect of land use policies in the area described in Schedule "A" attached hereto.

2. The use of land, buildings or structures within the area described in Schedule "A", is prohibited for a period of one year from the date of passage of this by-law except for such lawful purpose as the land is being used on the date of passing this by-law.

3. The Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with *The Planning Act*.

PASSED this 15th day of December A.D. 1998

MUNICIPAL CLERK

MAYOR

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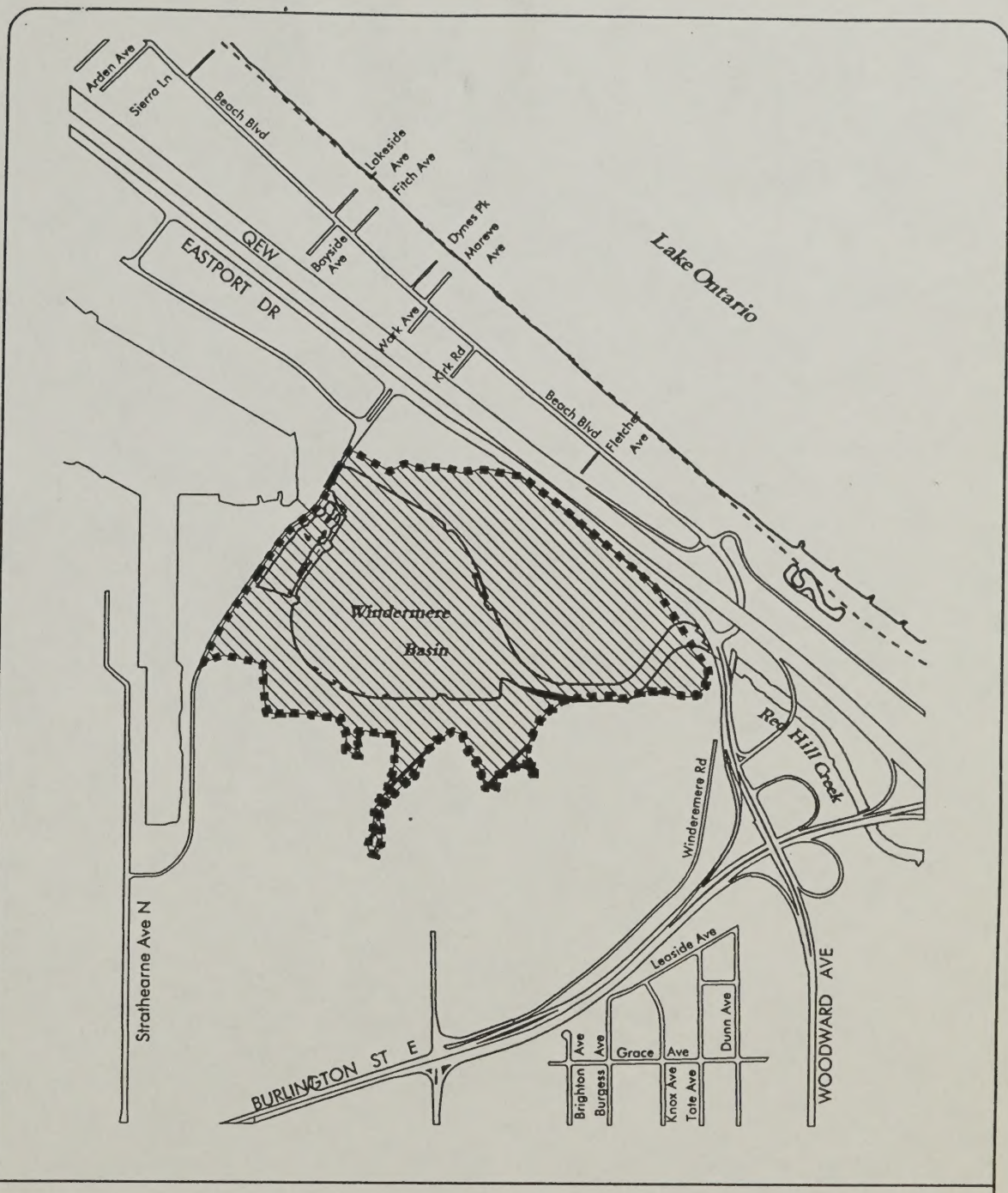


This is Schedule "A" to By-Law No. 98-313
Passed the 15th day of December, 1998.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 98- 313

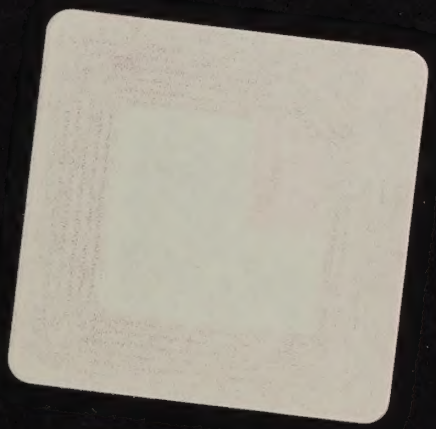
to Amend By-Law No. 6593

Planning and Development Department

Legend

Subject Lands

North	Scale	Reference File No.
	NOT TO SCALE	
	Date December 1998	**Drawn By** B. B.



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